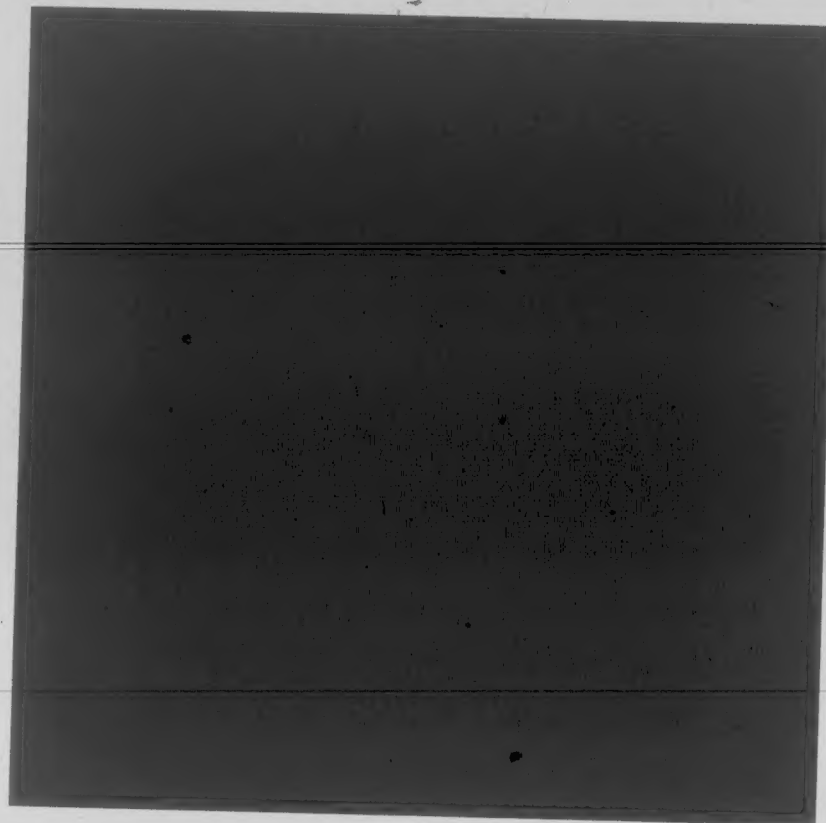
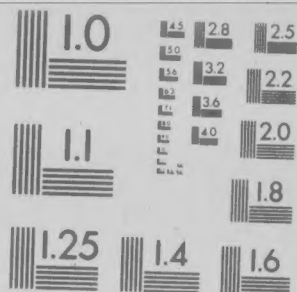
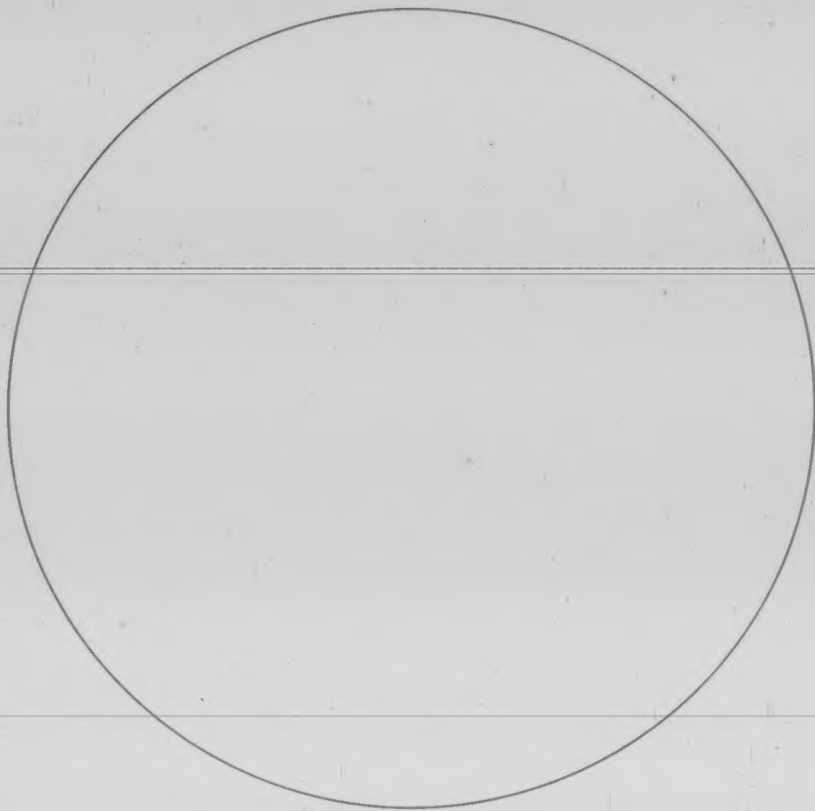
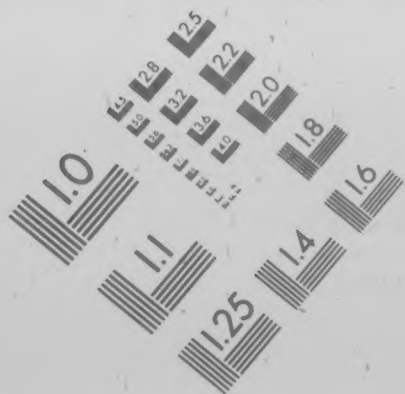
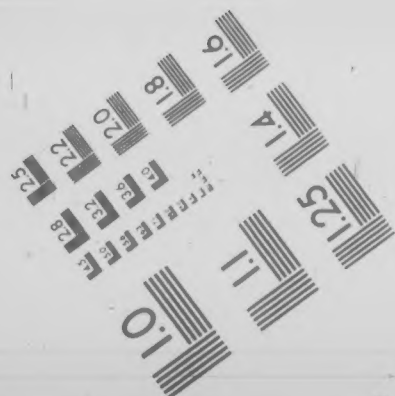
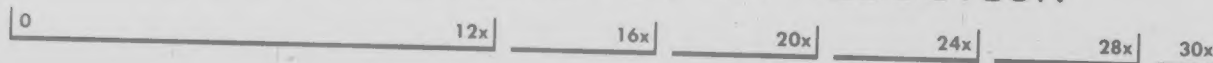


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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 313

CHEROKEE D605 - D717

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1983

Cher D 605

Cher D 605

Department of the Interior,
Commission to the Five Civilized Tribes,
Newata, L. To October, 18th 1898.

In the matter of the application of Robert Dawson for enrollment as a Cherokee Citizen. He being sworn before the Commission testified as follows-

- Q What is your name? A. Robert Dawson.
Q How old are you? A. 27.
Q What is your postoffice? A. Talala.
Q What district do you live in? A. Coowasecoowee.
Q Who is it that you want to have enrolled? A. Myself.
Q Are you a Cherokee by blood? A. Yes sir.
Q How long have you lived in the Cherokee Nation? A. Since 88.
Q Was you admitted by the Cherokee Commission? A. Yes sir.
Q Let me see your certificate of admission.

The applicant presents a certificate of admission to Cherokee citizenship on January 11th 1883, showing that certain persons were admitted by the Cherokee Commission at that time and the name of Elbert Dawson appears thereon which he states is the name of his father. This is identified as official evidence of the facts stated and the paper is returned to the applicant.

- Q Did your father come to the Cherokee Nation at the time of his admission in 1883? A. Yes sir moved part of his things here.
Q He brought you and the other members of the family along later? A. Yes sir.

- Q Have you lived in the Cherokee Nation ever since 1883? A. Yes sir 1894 roll, page 186 No 1403, Robert Dawson, Coowasecoowee.

The applicant shows that his father was admitted to Cherokee citizenship in 1883, at which time he was a minor. He states that his father took immediate steps to bring his family to the Cherokee Nation and that he the applicant, was brought here in 1883 and has lived here ever since. He is identified on the 1894 roll but not on the roll of 1896. The Cherokee representative present protests against the enrollment of all the members of this family on the ground of alleged fraud in their admission in 1883. In the application of his brother it was developed that his enrollment in 1886 was refused by the Cherokee authorities by reason of alleged fraud in the original admission in 1883. The applicant will be placed for the present on a doubtful card as a Cherokee by blood, and the final decision of the Commission will be made known to him at his post office address.

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized tribes he reported in full all the proceedings in the above entitled cause and that the foregoing is a true, complete and correct transcript of the stenographic notes in said proceedings.

Chas von Weise

Subscribed and sworn to before me this the 16th of October, 1898.

J. B. Smith

Commissioner.

CHEROKEE.

D 605

Robert L. Dawson

Cancelled and transferred
to Cherokee 10322

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

See D 304.

Cher D 606

Cher D 606

Applicant's wife, DOUBTFUL.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
ROMANA, I.T., OCTOBER 18th, 1900.

In the matter of the application of John H. Gillespie for the enrollment of himself, wife and children as citizens of the Cherokee Nation, said Gillespie being sworn and examined by Commissioner T.B. Needles, testified as follows:

- Q What is your name? A John H. Gillespie.
Q How old are you? A 44.
Q What is your post-office address? A Coffeyville.
Q What district do you live in? A Cassaschoewa.
Q Are you a recognized citizen of the Cherokee Nation? A By adoption.
Q For whom do you apply for enrollment? A Myself and children and my wife's children.
Q What is your wife's name? A Mary she is adopted.
Q What was her name before you married her? A Martin.
Q What is her age? A 36.
Q Have you a certificate of marriage? (Produces papers.
Com'r Needles:—Applicant presents a marriage license issued by the Clerk of the United States Court, and a marriage certificate certifying that he was married to one Mrs. Mary Martin according to the laws of the United States on the 24 day of July, 1899.
Q What is the name of the children you desire to enroll? A I have got one child and she has got five.
Q Who has? A My wife.
Q Who is the eldest child you want to enroll? A William M. Gillespie.
Q How old is he? A 20 years old.
Q What is the name of the other children? A John A. Martin.
Q Is years of age? A Yes, sir.
Q Name of the next one? A Rosa C.
Q How old is she? A 13.
Q Well? A William H. Martin, ten.
Q Well? A Rebecca H. Martin, Annie E. Martin, four years old.
Q Who is the mother of William M. Gillespie? A Susan Gillespie.
Q Who is the mother of these other children? A Mary Martin.
Q Is she a citizen by blood? A Adoption.
Q What is the name of her husband? A Billie.
Q Is he Indian? A Yes, sir.
Q Is he living? A I do not know.
Q Was she ever married to Billie Martin? A Yes, sir.
Q Did she get a divorce from him? A Yes, sir, in the United States Court.
Q Where? A At Muskogee.
Q What was the date of that divorce? A I could not tell you.
Q Was that before you married her? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Since 1871 I have been here.
Q These children all born in the Cherokee Nation? A No, sir, I do not think they were all of them.
Q Was William M. born in the Cherokee Nation, your son? A Yes, sir.
Q How he lived and living with you? A Yes, sir.
Q Where was John A. Martin born? A Born in Kansas.
Q His mother and father lived in Kansas when he was born? A Yes, sir.
Q Where was Rosa C. born? A Born in the Cherokee Nation.
Q All the balance of the children born in the Cherokee Nation?
A I think they were I won't be sure.
Q You apply for the enrollment of yourself, wife, Mary, and these children? (No response.)
Q Your present wife a white woman? A Yes, sir, adopted citizen.
Q Have you any proof of marriage of Mary Martin with Billie Martin?
A I have all the papers of their marriage and where he was admitted.

John H. Gillespie--3.

Can't Recall--Applicant presents a certified copy of an Act of the Cherokee Council. Said Act providing that William Martin and his two heirs, John Augustus, age three years, and Rosa Caroline, age six months, be re-admitted to all the right and privileges of other Cherokees by blood. Said Act being approved November 27, 1886, signed by J. G. Hayes, Principal Chief, and certified to by A. M. Harris, Asst. Executive Secretary, under the seal of the Cherokee Nation.

Applicant also presents marriage certificate certifying that William H. Martin was married to Mary H. Stahl on the 20th day of January, 1889, according to the laws of the State of Kansas. Signed by H. F. Harkness, a Minister of the Gospel.

Q What was the date of the birth, do you know, of William H. Martin?
A I could not tell you, he is ten years old.

Q Was William H. and Rebecca E. and Annie E. Martin born in 1880?

A I could not tell you. I do not know anything about when they were born.

Q Where is their mother? A She is at home.

Q William Martin, who you call in your testimony Willie Martin, was the husband of Mary Martin and the father of these children, is he living? A I could not tell you, he left her three years ago and I haven't never seen him since.

1880 enrollment; page 221, #1140, John Gillespie, Delaware.

1896 enrollment; page 306, #396, John Gillespie, Coconawawee.

Q What was your first wife's name? A Susan.

Q Is she dead? A Yes, sir.

1896 enrollment; page 126, #1287, William M. Gillespie, Coconawawee.

1896 enrollment; page 219, #3390, John A. Martin, Coconawawee.

1896 enrollment; page 219, #3391, Rosa C. Martin, "

1896 enrollment; page 219, #3392, Wm. H. Martin, "

1896 enrollment; page 219, #3393, Beckey E. Martin, "

1896 enrollment; page 219, #3394, Eva A. Martin, "

1896 enrollment; page 312, #366, Mary E. Martin, "

Q You stated these children were all alive and living with you? A Yes, sir.

Q Did you live with Susan, your wife, until the date of her death?

A Yes, sir.

Q Lived with her until she died? A Yes, sir.

Q She was an Indian by blood? A Yes, sir.

Q When did she die? A She died in 1884.

Q You say you lived with her continuously until the date of her death? A Yes, sir.

Q Have you married any one since except Mary Martin since her death?

A Yes, sir, I married a Cherokee woman.

Q When was that? A I forget now.

Q Is she living? A Yes, sir.

Q You did not live with her until her death? A No, sir, she quit me and sued me for a divorce.

Q Did not you quit her and go off with Martin's wife? A No, sir.

Q Did not they have you arrested for something? A No, sir.

Q You lived single for five or six years after she got a divorce from you? No, not that long, I think it was two years before she got the divorce.

Can't Recall--The name of John H. Gillespie appears upon the authenticated roll of 1880 as an intermarried white. His name also appears upon the census roll of 1896. He avers that he was married to one Susan Gillespie, whose name is found upon the authenticated roll of 1880 and who is now deceased, and by said Susan Gillespie he had one son, William H., whose name now appears upon the census roll of 1896. But after the death of his wife, Susan, he married a

John H. Gillespie—3.

Cherokee woman from whom he was divorced, and afterwards married one Mary Martin, who was the wife of one Vilai Martin, a Cherokee citizen by blood, and presents a certificate of Admission to Cherokee citizenship, more particularly described in the testimony, certifying that William Martin and his two heirs, John A. and Reay C., were admitted to Cherokee citizenship in the year 1888, and that after the year 1888 was born to said William Martin and his wife Mary, William H., Rebecca E. and Annie E. A certificate of marriage is presented certifying that the said William Martin was married to his wife, Mary Stahl, a white person in the State of Kansas, in the year 1883, but the certificate of Admission issued by the authorities of the Cherokee Nation, admitting the said William Martin and his said children to citizenship, does not contain the name of his said wife, Mary M.

Applicant presents a satisfactory proof of marriage to the said Mrs. Mary Martin according to the laws of the United States. Said marriage being solemnized on the 24 day of July, 1899. They all being duly identified upon the rolls according to the number and page and satisfactory proof being made as to residence, the said William M. Gillespie, age 20, the child of John H. and Susan Gillespie, whose name appears upon the authenticated roll of 1890, will be duly listed for enrollment as a Cherokee citizen by blood. And the names of John A. Martin and Reay C., will be listed for enrollment as Cherokee citizens by blood. They having been specially admitted in the certificate of Admission, as described in the testimony, and the said William H., Rebecca E. and Annie E. Martin, children of the said William Martin and Mary Martin, born after the said William Martin was readmitted to Cherokee citizenship, will also be duly listed for enrollment as Cherokee citizens by blood.

From the fact that the said John H. Gillespie, who was an intermarried white man and whose name appears upon the authenticated roll of 1890, was married to Mrs. Mary Martin, who is a white woman, and according to the laws of the Cherokee Nation; she having never been recognized as a Cherokee citizen, final judgment as to the enrollment of the said John H. Gillespie will be suspended and his name will be placed upon the doubtful card. The name of his wife, Mary Martin, will also be placed upon a doubtful card, and final judgment as to her enrollment as an intermarried citizen will be suspended, because of the fact as set forth in the testimony.

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J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Reason

Subscribed and sworn to before me this 16th day of October, 19 00

W. H. Martin

Commissioner.

0302

COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 12 1900

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 12 1900

Department of the Interior,
Commission to the Five Civilized Tribes,
Pc. Gibson, I.T., April 23, 1901.

In the matter of the application of John H. Gillespie for the enrollment of himself as a Cherokee by intermarriage;
LOUISE GILLESPIE, being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Louise Gillespie.
Q What is your age? A 61.
Q What is your post-office address? A Pc. Gibson.
Q Are you a Cherokee citizen by blood? A Yes sir.

Examined by Caleb Starr, on behalf of the Cherokee Nation.

- Q Do you know John H. Gillespie? A Yes sir.
Q Were you ever married to him? A Yes sir.
Q When? A About six years ago.
Q How long did you live with him? A Six years.
Q Did he abandon you, leave you? A Yes sir.
Q When were you were married to him did you own the place you live on? A Yes sir.
Q He went off and left you with that place? A Yes sir.
Q You still live there? A Yes sir.
Q Did you sue him for a divorce? A No sir.
Q You are not divorced from him now? A No sir.

Examined by Commissioner Needles:

- Q John H. Gillespie a white man? A Yes sir.
Q Has he ever applied for a divorce from you? A No sir.
Q Nor you from him? A No sir.
Q What is the reason he left you? A Just disagreeable, couldn't get along.
Q Just picked up and left? A Yes sir.
Q How long has that been? A I lived with him six years, been gone about four years.
Q He left you about four years ago? A Yes sir, I guess it has been about that.
Q You are positive you never got any divorce from him? A No sir, I made application down at Greenleaf Court House, but I never got it.
Q Do you know whether it was ever granted or not? A No sir.
Q You don't know whether it was granted or not? A No sir.
Q He asked me once would I give him one, and I told him yes.
Q How did he treat you? A He was cross.
Q Did he provide for you? A Not very well.
Q Did you leave him or did he leave you? A He left me.
Q How many weeks you left him? A He went off and I still staid there.
Q You are there now on the same place you lived on when he left?
A Yes sir.

H. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this April 23, 1901.

H. D. Green

Commissioner.

Cherokee
2606

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE EVERGLADES
FILED
APR 23 1901

ACTING CHAIRMAN

Supl. - S. D. #406.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 24, 1902.

SUPPLEMENTAL in the matter of the enrollment of JOHN N. GILLES-
PIE, ET AL., as citizens of the Cherokee Nation,

The applicant in this case was notified by registered letter February 13, 1902, that his application for the enrollment of himself and wife as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 5th day of March, 1902. On said date the applicant appeared by his attorney J. S. Davenport, vinita, Indian Territory, and by agreement with the representative of the Cherokee Nation present the case was continued until the 15th day of March, 1902. On the 15th day of March, 1902, the applicant appeared by his attorney and by agreement the case was again continued until the 24th day of March, 1902. The applicant has this day, to-wit: the 24th day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

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I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

A606

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE CIVILIZED TRIBES

FILED
APR 2 1902

Approved: J. C. ...
Commissioner of the Interior

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John H. Gillespie for enrollment of himself and his wife, Mary Gillespie, as citizens of the Cherokee Nation.

DECISION.

The record in this case shows that on October 16, 1900 John H. Gillespie appeared before the Commission at Nowata, Indian Territory and made personal application for enrollment, among others, of himself and his wife, Mary Gillespie, as citizens of the Cherokee Nation. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory April 23, 1901. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that the applicant, John H. Gillespie, is a white man; that he was first married to one Susan Gillespie, a Cherokee by blood, with whom he lived as her husband until the date of her death in 1894, after which he married one Louisa Gillespie, also a Native Cherokee; that he was divorced from the said Louisa Gillespie after having lived with her six years and thereafter, to-wit: on July 2, 1899, was lawfully married to one Mary Martin, his present wife. He is duly identified on the 1880 authenticated tribal roll of the Cherokee Nation and the 1896 census roll as an adopted white.

The evidence further shows that the applicant, Mary Gillespie, formerly Martin, is a white woman and is identified on the 1896 census roll; that the said John H. Gillespie is her second husband; that she was formerly married to one William Martin, a citizen by blood of the Cherokee Nation, from whom she secured a decree of divorce in the United States Court for the Northern District of the Indian Territory on June 20, 1899.

Section 21 of the Act of Congress, approved June 23, 1898 (30 Stat. 495), provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 646 of the Compiled Laws of the Cherokee Nation (1892) is, as follows:

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

The evidence further shows that the applicants have lived together continuously as husband and wife in the Cherokee Nation since the date of their marriage and that the said John H. Gillespie has been a resident thereof since 1871.

It is, therefore, the opinion of this Commission that the application for the enrollment of John H. Gillespie and Mary Gillespie as citizens of the Cherokee Nation, should be denied under the provisions of the Act of Congress above set forth, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Cherokee D. #606.

Department Of The Interior,
Commission To The Five Civilized Tribes.

In the Matter of the Application of
John H. Gillespie for the Enrollment of
himself and his wife, Mary Gillespie,
as Citizens of the Cherokee Nation. }

Petition For Re-hearing.

To the Honorable, The Secretary Of The Interior:-

Your petitioners, John H. Gillespie and his wife, Mary Gillespie, most respectfully pray that the decision and judgment of The Commission to the Five Civilized Tribes rendered in this case on the 29 day of July, 1902, be reviewed and a re-hearing granted to them and that the decision and judgment of the said Commission be set aside and held for naught and a decision and judgment rendered here in said matter enrolling both of your petitioners as citizens of the Cherokee Nation, and as reasons why the said decision and judgment of the said Commission should be reviewed, reheard, set aside and for naught held, your petitioners say:

First :- The Commission To The Five Civilized Tribes committed an error of law in holding that your petitioners came within and were affected by that portion of the law (Sec. 21. Act of Congress June 28, 1898. 30 Stat. L. 495.) relating to inter-married white persons.

Second :- The said Commission committed an error of law in its decision that the law of the Cherokee Nation quoted by it (Sec. 666 Comp. L. Cher. Na. 1892) affected the rights of the petitioners and excluded them from enrollment.

Third :- The said Commission committed an error of law as to your petitioner John H. Gillespie in refusing to him enroll-

ment when it found as the facts in his case that he was on the Cherokee Roll of 1888 and was a resident in good faith of the Cherokee Nation.

Fourth :- The said Commission committed an error of law in the matter of the application of the said Mary Gillespie for enrollment in refusing to enroll her when it found as facts that she was upon the Cherokee Roll of 1896, was a resident in good faith of the Cherokee Nation and such enrollment had not been procured by fraud and had been lawful.

Fifth:- The said Commission committed errors of law in its decision and judgment that your petitioners were not entitled to be enrolled when it ought to have rendered a decision and judgment on the facts in the case that both were entitled to be and should be enrolled.

Wherefore your petitioners pray that the said decision may be reviewed a re-hearing granted them and the decision and judgment of the said Commission set aside and a new decision and judgment rendered in this matter enrolling each of your petitioners as citizens of the Cherokee Nation as by the law provided and required.

James S. Doniphan
George B. Devision

Attorneys for Petitioners.

(Copy)

Cherokee D. # 806.

Department of the Interior,

Commission To The

Five Civilized Tribes.

In the Matter of the Appli-
cation of John H. Gillespie
for the Enrollment of himself
and his wife, Mary Gillespie,
as Citizens of the Cherokee
Nation.

Petition for Re-hearing.

James S. Davenport,

George B. Denison,

Attorneys for Petitioners.

Cherokee D. # 806.

Department Of The Interior.
Commission To The Five Civilized Tribes.

In the Matter of the Application of
John H. Gillespie for the Enrollment of
himself and his wife, Mary Gillespie, as
Citizens of the Cherokee Nation.

Brief on Behalf of Applicants.

There is no dispute in this case about the facts. The whole controversy is one as to the construction of the law under and in pursuance of which the Commission to the Five Civilized Tribes is acting in the making of the Cherokee Roll. That Commission have an immense task to perform and it would be little short of marvelous if it should decide right in all cases. The applicants feel that the law has been improperly construed in their case and they denied enrollment as citizens of the Cherokee Nation when with a proper construction of the law they would be enrolled.

Resting as this case does solely upon what is the true meaning and just interpretation of the law, it is eminently proper that the authority given to the Secretary of the Interior to review the findings and decision of the Commission to Five Civilized Tribes should be invoked, and to this end the applicants have filed a petition for re-hearing in this case and have assigned certain errors of law made by said Commission as the reasons therefor.

It is claimed first that it was wrong to hold that these applicants came within and were affected by that portion of

section 21 of the act (30 Stat.L.495) which relates to intermarriages under the Cherokee Law. If the Commission was not warranted in so holding, and the application for a review is well founded, on that point, we need go no further.

A careful examination of the law, it is thought by the counsel for the applicants, warrants the conclusion that the language "with such intermarried white persons as may be entitled to citizenship under Cherokee laws," applies to persons claiming that they are entitled to be enrolled by reason of such marriage, and that the language does not apply to any other persons. Under the law as to the Roll of Cherokees made in 1880 the Commission had the right to determine two things, whether an individual, or his ancestor, was on that roll and had "heretofore removed to and in good faith settled in the Nation." It had no right or authority to determine anything else. Beyond these two things it was absolutely powerless to act. As to the roll of 1896 it had first to identify the party, or ancestor, and then,

"Investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto x x x."

These two things being determined in the applicant's favor but the one remained, and that applied to all claimants, actual removal and residence.

These were the rules laid down in the law to guide and to govern and control the Commission, and coupled with this, in the same section and same paragraph, is the direction as to intermarried white persons. Any other construction than that this language so used was only intended to apply to such persons as based their right to enrollment upon the fact of their being a white person who had married a member of the tribe, is entirely unwarranted, is a forced and strained construction, is an interpretation that is not called for by the words used or the object sought to be accomplished.

Neither one of the applicants in this case claim any right to enrollment by reason of the marriage of July 2, 1890. I do

H. Gillespie says that he should be enrolled because he is found to be on the Roll of 1880 and has been a resident in good faith since the year 1871, and his wife, Mary Gillespie, because she is found to be on the Roll of 1880 and was not put on there by fraud or without lawful right and is a resident in good faith, and these facts being found by the Commission it had but one duty, and that a plain one, to do. The law had placed the duty of the Commission before it in plain, unambiguous and intelligible language. The law said that these facts being found these people should be enrolled.

It is most earnestly contended that the Commission was in error in this particular, that it put a wrong construction upon the law, and that the decision should be reviewed and reversed and the applicants enrolled.

But if the applicants should be wrong in their first contention, it is still insisted by them that the Commission erred in holding that the applicants were not entitled to enrollment by reason of the law of the Cherokee Nation quoted by it, viz: Section 886.

While the Commission to the Five Civilized Tribes may in the matter of enrollment act in a quasi judicial capacity it is not thought it can or will be contended that it can declare a forfeiture of rights, either political or of property. Yet to uphold this decision it must be found that it can do both. No such authority or power or jurisdiction has ever been attempted to be conferred upon the Commission and could not be legally conferred if the attempt were made.

A legislative body may say what acts shall constitute a forfeiture, if it keeps within constitutional grounds, but it lies with another and different tribunal to try and determine the question whether a man has done the prohibited things and declare the forfeiture.

Mr. Cooley, in his work on Constitutional Limitations, discusses this question at length. He

says, among other things,

"Nor can a party by his misconduct so forfeit a right that it may be taken from him without judicial proceedings in which the forfeiture shall be declared in due form. Forfeitures of rights and property cannot be adjudged by legislative act, and confiscations without judicial hearing after due notice would be void as not being the process of law."

Numerous cases are cited to sustain the text.

Tooley's Const. Lim. pp 444, 445.

Another matter must not be lost sight of. When the Cherokee Nation was given the right to legislate it was provided that all of its enactments should be controlled by the Constitution and laws of the United States, that nothing should be in conflict with those. Could the Council of that Nation pass a law which was in conflict with the Constitution of the United States and have it enforced by the Commission?

It is worth our while, too, to see if this law which the Commission by its decision put in force is not invalid by the constitution of the Nation. In section five of the amendments to article three of that constitution, adopted in 1868, we find the following language:

"All native born Cherokees, all Indians, and whites legally members of the Nation by adoption x x x x and their descendants, who reside within the limits of the Cherokee Nation, shall be taken, and deemed to be, citizens of the Cherokee Nation."

Comp. Laws Cher. Na. (1892) p. 33.

Then Congress referred to the intermarriage laws of the Cherokee Nation they certainly did not mean to clothe the Commission with the power to enforce laws that were violative of both the Constitution of the United States and the Constitution of the Nation that had passed such laws. Yet that is the effect of the decision of the Commission in this case.

It is not contended for a minute that the Council could not pass an act declaring that certain acts committed should work a forfeiture, and it seems that this is what it has done.

If one but goes forward to section 669, only the third

section after the one quoted by the Commission. it will there be found that these Indians were well enough informed as to what was right and constitutional to carefully provide a means for determining whether a forfeiture of the rights of citizenship had taken place, whether an individual had violated the law and brought this penalty upon himself. It provided that the solicitor of the district or any individual might bring the case before the circuit court which court should "have authority to hear and determine," and it provided for a citation or public notice, that the case should "be conducted as are civil suits before such courts," and a verdict by a jury, and that shall be done by the court and the Principal E Chief, and the penalty.

That the Congress had seen fit to abolish these courts before the marriage between the applicants took place can not be taken as the placing of the authority somewhere else, and it has not conferred it upon the Court of the United States in the Indian Territory, for by Sec. 28 of the same act we have the Commission enrolling under that court is prohibited enforcing any of the tribal laws. Certainly the Congress has never conferred the authority upon the Commission to declare these forfeitures. There is no proof, of course in this case by reason of the time when the marriage took place and the Indian Courts were abolished there could not be, that any forfeiture of rights of citizenship had ever been had.

So, if the intermarriage laws apply at all in cases like this one the Commission was without any authority, power or jurisdiction to declare that the marriage of the applicants had the effect to deprive them of the citizenship they had previously acquired in the Nation and by reason of which they had both been lawfully enrolled and their citizenship ratified and confirmed by act of Congress.

They were both citizens of the Cherokee Nation. They were governed by the general laws upon the subject of marriage, if by the Cherokee law at all, and not by the law as to a white

man marrying an Indian woman. The Cherokees had one marriage for its citizens and another when a white man made up his mind to take unto him for wife a Cherokee Indian maiden. The general law of that tribe upon the subject of marriage is not unlike that of the United States for the Indian Territory. Both laws define marriage, and below those definitions will be found:

"Marriage, so far as its validity in law is concerned, is a civil contract, to which the consent of the parties, capable of contracting, is essential."

Comp. Laws Cher. Na. (1892) Sec. 685, p. 344.

"Marriage is considered in law a civil contract, to which the consent of the parties capable in law of contracting is necessary."

Mane. Dig. Sec. 4590, 26 Stat. L. p. 81, Sec. 31.

It is true that by section 38 of the latter act the clerk of the United States Court is not given the power to in any way interfere with the tribal laws on the subject. But has not Congress made a very material change by the amendment to the Indian appropriation bill approved July 7, 1897, when the tribal courts were abolished after the next January, in the use of the following language:

" x x x x and the laws of the United States and the State of Arkansas in force in the Territory shall apply to all persons therein, irrespective of race. x x x x x x."

The Commission find that these applicants were lawfully married July 2, 1899. Could they be lawfully married at that date under any law but that of the United States? Certainly they could not. And that law carried with it no provisions that a marriage under it should bring about a forfeiture of the rights of citizenship or of property.

Attention is called to the fact that the Commission is no longer clothed with the power to make or unmake citizens of the tribes. It had this power for a certain fixed time under the Act of June 10, 1896, and to make assurance doubly sure the act of May 31, 1900 provided that it should "not receive,

consider or make any record of * applications for citizenship. Now, in this matter, the Commission has only the power to enroll. If persons have committed those acts which when properly adjudicated by courts having jurisdiction might result in a forfeiture of rights of citizenship but there never has been such an adjudication the Commission has no authority or power or jurisdiction to make that adjudication. As said before the abolishment of the tribal courts does not confer this authority upon the Commission. It is not determining who should be citizens but who, under the law, are citizens. It is making a roll by which the United States shall be governed in making a distribution of the lands and money of the Nation, a property and not a political roll.

So far we have discussed the intermarriage law, in this paragraph of the brief, as though, if valid and the Commission had the power which it has assumed, it could be applied to the facts in this case. But surely it can never be claimed that the facts disclosed in this case bring the persons within the true spirit and meaning and intent of the Cherokee law, if they are brought within the technical letter of the law.

"The intent is the vital part, the essence of the law."

Suth. Stat. Cons. p. 309, Sec. 234.

That law was evidently aimed at a person who should marry out of the Nation. It never was intended to apply to persons both of whom had already legally become citizens of the Nation and had been duly enrolled as such. The whole act must be taken, considered and construed together and when this is done it most clearly appears that the act is intended to apply to white men who marry Indian women and does not, and was never intended to apply to persons both of whom were citizens of the Nation. As to such, whether by blood or adoption, the general marriage laws apply, and that law only.

These are the questions involved in this case and it is thought that they merit the careful consideration of the Honorable Secretary of the Interior and that the petition by these

applicants for a re-hearing ought to be granted and the decision and judgment of The Commission to the Five Civilized Tribes reversed and John M. Gillespie and his wife, Mary Gillespie, be both adjudged citizens of the Cherokee Nation and enrolled as such citizens.

Respectfully submitted.

James C. Donahoe

George R. Donahoe

Attorneys for Applicants.

(Copy)
Cherokee D. # 606.

Department of the Interior,
Commission to the Five Civilized
Tribes.

In the Matter of the Application
of John H. Gillespie and his
wife, Mary Gillespie, for Enrol-
ment as Citizens of the Chero-
kee Nation.

Brief of Applicants, on their
Petition for Re-hearing.

James S. Davenport,

George B. Denison,

Attorneys for Applicants.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON I. AVESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFERN IN REPLY TO THE FOLLOWING

Cherokee D 606.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Waskagee, Indian Territory, July 29, 1902.

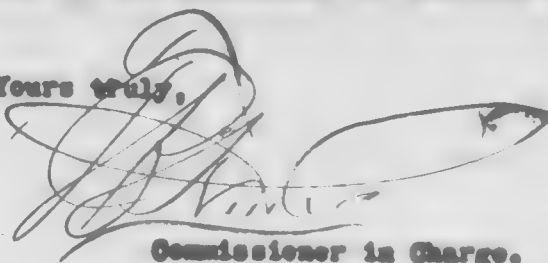
W. W. Hastings,
Attorney for the Cherokee Nation,
Waskagee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of John K. Gillespie for the enrollment of himself and his wife, Mary Gillespie, as citizens of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Commissioner in Charge.

Enc. C. No. 35.

334

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 606.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 7, 1902.

W. W. Hastings,

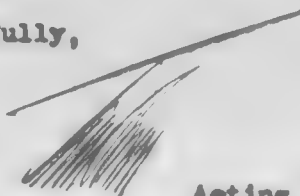
Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of John H. Gillespie for the enrollment of himself and his wife, Mary Gillespie, as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 9, 1902.

Respectfully,



Acting Chairman.

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COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee A 406

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

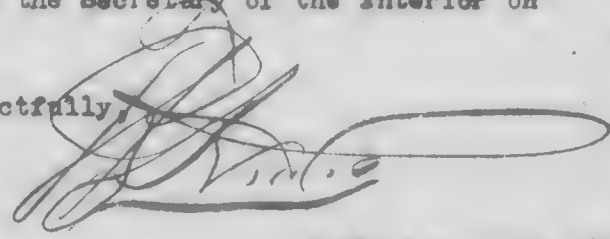
Vinita, Indian Territory, January 10, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision,
dated November 20, 1902, rejecting the application of Joseph B. Bash
for the enrollment of himself as a citizen by intermarriage of the
Cherokee Nation was affirmed by the Secretary of the Interior on
December 22, 1902.

Respectfully,



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Revised 1977

NO. 1000-1000



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J C Starn

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Florida +

D 606

IN THE MATTER OF THE APPLICATION OF

John H. Gillespie & al

FOR ENROLLMENT AS

CHEROKEE CITIZENS

Decision 40 606
IN THE MATTER OF THE APPLICATION OF

John H. Gillespie et al.

ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony Oct 16/1900

B Memo of application Oct 16/1900

C Marriage license

D marriage certificate

E Certificate of admission

F Supplemental testimony 4/23/1901

G Notice of final consideration, 3/5/02

Transferred to R-686

X... 10000 No 1459

Char D 607

Char D 607

Doubtful Cherokee by blood.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. October, 10th 1900.

In the matter of the enrollment of Patsie M. Martin as a Cherokee citizen. She being duly sworn testified as follows before Commissioner Breckinridge.

Q. What is your name? A. Patsie M. Martin.

Q How old are you? 26.

Q What is your post office? A. Nowata.

Q What district do you live in? A. Geoweehooowee.

Q Who is it that you want put on the roll? A. Myself, children and grand-children.

Q Are your grand-children the same name as yours? A. Some of them are and some are not.

Q How many children have you of your own that you want enrolled? A. 8.

Q Are all eight of them under 21 years of age? A. They are all over that.

WE WILL THEN TAKE YOUR OWN APPLICATION FIRST AS YOUR CHILDREN WILL HAVE TO MAKE THEIR OWN APPLICATIONS AS THEY ARE OF AGE.

Q Are you a Cherokee by blood? A. Yes sir.

Q How long have you lived in the Cherokee Nation? A. I lived here until I was 15 years old and then I moved to the state of Texas; I have been living in the Cherokee Nation two years now in the Spring.

Q While you were out of the Cherokee Nation you say you lived in Texas? A. Yes sir.

Q How long had you lived in Texas before you returned to the Cherokee Nation? A. 50 years.

Q Were you admitted to citizenship by the Cherokee Commission or Council when you came back two years ago? A. No sir it was 11 years ago that I was admitted.

The applicant presents an official copy of an act of the Cherokee Council which admitted Patsie Martin and others to Cherokee citizenship, said act being approved December, 4th 1890. It admits Patsie Martin, her children and grand children to all the rights and privileged of Cherokee citizenship by virtue of Cherokee blood, provided that none of the rights herein granted shall in any manner accrue to them until their removal into the Cherokee Nation.

Q This you claim as your right to citizenship? A. Yes sir.

Q You were admitted in 1890 and removed here 2 years ago? A. Yes sir.

Q Have you lived here ever since? A. Yes sir.

Q At what time two years ago did you come here? A. In March 1899,

Q Then it will be 2 years next March? A. Yes sir.

The applicant is shown to have been admitted to Cherokee citizenship in December, 1890; she was living at that time in the State of Texas. She came to the Cherokee Nation in March 1899 and has lived here ever since. Previous to coming here she had lived in Texas for 50 years. For the further consideration of her case under the provision of the Cherokee law of December 4th 1894 requiring persons admitted and re-admitted to citizenship to come and settle in the Cherokee Nation within six months after their admission or re-admission, and for the further consideration of her application under the provisions of the Curtis Bill, her application for enrollment will be placed on a doubtful card, she being classed as a Cherokee by blood.

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings in the above case and that the foregoing is a full, true, and correct transcript of his stenographic notes in said proceedings.

Subscribed and sworn to before me this 10th of October, 1900.

Chas von Weise
Commissioner.

Supl.-C.D.#607.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the enrollment of
PATSY M. MARTIN, as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 13, 1902, that her application for the enrollment of herself as a Cherokee citizen would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 5th day of March, 1902. The applicant this day, to-wit: the 4th day of March, 1902, appears by her attorneys Mellette & Smith, Vinita, Indian Territory. By agreement with the representative of the Cherokee Nation present the case is taken up for final consideration.

Mr. W. W. Hastings, Cherokee Representative, present.

Commission to Mr. Mellette: Is there any statement you desire to make relative to the case.

Mr. Mellette: The applicant by her attorneys desires to file a certified copy of her readmission.

Commission: The document will be filed.

Commission: The Attorney for the applicant and the representative of the Cherokee Nation present submit the case. The same is ordered closed and reported to the Commission for a final decision based upon the evidence now of record.

The applicant will be allowed 15 days in which to file a brief in the case, one copy with the Commission and one copy with the representative of the Cherokee Nation.

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I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the proceedings had in this case on the above date and that the foregoing is a true and complete transcript of my stenographer notes thereof.

J. H. Hession
Stenographer.

JH

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Patsie M. Martin for
the enrollment of herself as citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 16, 1900,
the applicant, Patsie M. Martin, appeared before the Commission at
Nowata, Indian Territory, and then and there made personal applica-
tion for the enrollment of herself as a citizen by blood of the
Cherokee Nation. Further proceedings were had in this case on March
4, 1902 at Muskogee, Indian Territory.

It appears from the evidence in support of this application
that Patsie M. Martin was admitted to citizenship in the Cherokee
Nation by an act of the National Council on December 1, 1890. It
further appears that Patsie M. Martin did not remove to and settle in
the Cherokee Nation or Indian Territory until the month of March 1899

The authority of the Commission herein is defined in Par. 9,
Sec. 21, of the act of Congress June 28, 1898 (30 Stats., 495):

"No person shall be enrolled who has not heretofore re-
moved to and in good faith settled in the nation in which he claims
citizenship."

It is therefore the opinion of this Commission that Patsie
M. Martin is not lawfully entitled to be enrolled as a member by
blood of the Cherokee Tribe of Indians in Indian Territory, and that
the application for her enrollment as such should be refused, and it
is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this SEP 20 1902

243

Cherokee D-2017

To be filed with Cher- D-607

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T. August 18, 1903.

In the matter of the application of Samantha Spade for
enrollment as a citizen by intermarriage of the Cherokee Nation.

SUPPLEMENTAL TESTIMONY.

Applicant present in person;
Cherokee Nation not represented.

SAMANTHA SPADE, being duly sworn and examined by the
Commission, testified as follows:

- Q What is your name? A Samantha Spade now; Samantha Hughes was
my maiden name.
- Q How old are you? A 23.
- Q What is your postoffice address? A It was Stilwell, but we
have one nearer now, a new postoffice, Prester.
- Q Are you a Cherokee by blood? A No sir.
- Q Do you claim to be a citizen of the Cherokee Nation by inter-
marriage? A Yes sir, that's what we claim.
- Q What is your husband's name? A Watson Spade.
- Q Have you a son named Johnson? A Watson's father's name is
Johnson.
- Q You have a son named Johnson too, haven't you? A Yes sir.
- Q Were you ever married before you married Watson Spade? A No.
- Q Was he ever married before he married you? A No sir.
- Q When were you and Watson Spade married? A We was married the
9th day of April, 1896.
- Q Were you married by a minister named Johnson Spade? A Yes sir.
- Q You had never been married before the 9th of April, '96, had
you? A No sir.
- Q What is your father's name? A Joseph Hughes.
- Q He living? A Yes sir.
- Q What is your mother's name? A Margaret Hughes.
- Q She living? A Yes sir.
- Q They are both white people, are they? A Yes sir; my father is
a half-breed Cherokee, but then he don't hold any right in this
nation; we don't claim any Cherokee at all.
- Q You have no other claim to enrollment except through your mar-
riage to your husband, Watson Spade? A No sir.
- Q Are you and Watson Spade living together now? A Yes sir.
- Q You are the mother of Johnson Spade, are you? A Yes sir, the
young Johnson Spade.
- Q And Watson Spade is the father, is he? A Yes sir.

Mabel F. Maxwell, being duly sworn, states that as steno-
grapher to the Commission to the Five Civilized Tribes, she correct-
ly recorded the supplemental testimony in this case and that the
above is a true and complete transcript of her stenographic notes
thereof.

Subscribed and sworn to before me
this 18th day of August, 1903.

Mabel F. Maxwell
Samuel Foreman
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., June 29, 1905.

SUPPLEMENTAL PROCEEDINGS.

In the matter of the application for the enrollment of
Patsie M. Martin as a citizen by blood of the Cherokee Nation.
Card No. Cherokee B-735

--1--

APPEARANCES:

For the Cherokee Nation, W. W. Hastings, Attorney.

LELIA H. RICHARDS being duly sworn, testified as follows:
COMMISSIONER

- Q What is your name? A. Lelia H. Richards.
Q How old are you? A. I am 26.
Q What is your postoffice? A. Nowata.
Q Do you know Patsie M. Martin? A. Yes, sir.
Q What relation is she to you? A. A cousin.
Q Cousin? A. Yes sir.
Q How long have you known Patsie Martin? A. I first met her
in '93.
Q Where did you then meet her? A. At Vinita.
Q What was she doing there at that time? A. She was there to
enroll in the Old Settler's enrollment.
Q Have you seen her frequently since then? A. Yes, sir, I have
seen her at a distance.
Q Do you know where she has been residing? A. At Nowata.
Q Altogether? A. No, sir, not altogether, she has been at
Pryor Creek and around, but at Nowata most of the time.
Q Did she have a home of her own there, at Nowata?
A. No sir, she has been with her daughter, Mrs. McComick.
Q How long has she been living there? A. Why, she has been
with her most of the time she has been here.
Q You knew nothing about her before 1893? A. Why, I knew who
she was, and I knew she was out here.
Q But of your own knowledge you knew nothing about her prior to
'93? A. No, sir.

BY MR. W. W. HASTINGS:

- Q Where was Patsie M. Martin living when you saw her in '93?
A. I suppose she was living in Nowata. I don't know where she
was living then.
Q Living in Nowata? A. There in Nowata, or in Pryor Creek.
Q Do you know that she was living at either one of these places?

Patsie M. Martin, Cherokee N-735--42

- A. Well, I think she was at Pryor Creek, with her sister.
- Q Had you ever seen her before? A. No sir.
- Q You knew she had been living in Texas? A. Yes, sir.
- Q Do you know when she came up here? A. Yes, sir, she came up in '90. She came to Pryor Creek in '90.
- Q Did you see her in the year '94? A. No, sir, I don't think I did.
- Q Did you see her in 1895? A. Yes, sir, I seen her in '90.
- Q Where did you see her? A. I saw her and her daughter-in-law pass my house one time.
- Q Where did you live? A. At Nowata.
- Q Where was she going? A. From town down to Mr. George Martin's.
- Q Did you see her in 1896? A. No, I don't know. I think I haven't seen her since then at all.
- Q Have not seen her since 1895? A. I think it was 1895 I saw her.
- Q You are not right positive about that? A. Why, yes; I was living in one of Mr. Martin's houses at that time, when I saw her. Did you saw '95? I don't think I saw her in '95.
- Q Did you see her in '93? A. Yes sir, in '93 I was living in Vinita at that time. And it was last year I saw her, not 1905.
- Q Did you ever see her between 1893 and last year? A. No sir, I don't think I have.
- Q Then there is twelve years that you have not seen her?
- A. No sir, but I was living up at Vinita, most of the time, myself.
- Q You say she is a cousin of yours? A. Yes sir.
- Q First cousin? A. No sir.
- Q What degree? A. Second or third, I think.
- Q Mr. Martin appeared before the Commission on October 16, 1900, and upon that date testified "I have been living in the Cherokee Nation two years now in the spring." Are you prepared to dispute that statement of hers under oath?
- A. No, sir. In '90 was the first I knew of her being here.
- Q You don't know of your own personal knowledge where she has been living between 1893 and 1905? A. I have heard. She's been with her daughter most of the time.
- Q You don't know whether she has been back to Texas or not?
- A. She has been back to Texas on visits, but she did not stay.
- Q But you never saw her between '1893 and 1905?
- A. It was last year I saw her.
- Q I beg pardon, it was last year you said--1904?
- A. No sir, I don't think I saw her again after 1893 until last year, 1904.
- Q Then you don't know she did not stay in Texas? A. Yes sir, I heard of her being here.
- Q On October 16, 1900, Patsie M. Martin stated under oath in answer to this question--"You were admitted in 1890 and removed here two years ago?" Answer--"Yes sir." --"Have you lived here ever since?" Answer--"Yes, sir." --"At what time two years ago did you come here?" Answer--"In March 1899". "Then it will be two years next March?" Answer "Yes, sir." Now, are you prepared to dispute those statements of the applicant herself made under oath to this Commission?

COMMISSION:

I do not think that that is a fair question, Mr. Hastings. This witness has testified positively that she met Patsie M. Martin in 1893, and she knows nothing at all about her whereabouts since that time, and as a matter of fact states that in 1893 she did not know where she was living, only that she met her, and I do not think that is a fair question.

Patsie M. Martin, C. R.-73573

Q. Well, On October 16, 1900, Patsie M. Martin stated under oath in answer to this question--"You were admitted in 1890 and removed here two years ago?" Answer--"Yes, sir." "Have you lived here ever since?" Answer--"Yes, sir." "At what time two years ago did you come here?" Answer. "In March 1899". Then it will be two years next March?" Answer--"Yes sir." Are you prepared to dispute those statements of the applicant hearsay made under oath to this Commission?

A. I am not.

Questions addressed to Witness by Mr. John M. Martin, on behalf of applicant:

Q. Do you know of any house having been built for a home for Patsie M. Martin in the Cherokee Nation at any time since 1890?
A. Yes sir, I knew that they had a lot, they got it from my father, J. M. Piddle, and the two boys built a house on it and my understanding was that they built it for their mother, and then afterwards they sold their place and traded it for the lot in Nowata and then my understanding was they traded that on their place.

By MR. W. W. HASTINGS:

Q. How do you know that? A. I saw the house, and the boys were clerking for my father at that time.
Q. When did you see the house? A. When they were building it.
Q. When? A. In 1891.
Q. But you never did see Patsie Martin living in it? A. No sir.
Q. You don't know of your own personal knowledge that she ever did live in it? A. No sir, she never lived there.

By Commission:

Q. This lot upon which the house was built belonged to whom?
A. To J. M. Piddle, my father.
Q. And you were living at home at Lenapah at that time?
A. Yes sir, living at Lenapah.
Q. Now you don't know yourself who this lot was sold to by your father? A. My understanding was it was bought--
Q. I am talking about that lot, do you know to whom your father sold that lot, whether to Patsie Martin or the boys?
A. No, I suppose it was sold to both parties.
Q. You did not see any papers drawn, were not there when any bargain was made, but you understood that the boys bought this lot for a home for Patsie Martin?
A. Yes, sir, I understood that it was bought and the house built for Patsie Martin.

BY MR. MARTIN:

Q. Who did you hear say that the house was built for Patsie Martin?

MR. HASTINGS: I object to that as being hearsay.

COMMISSION: Objection noted! You may answer.

A. I have heard the boys say they built it for their mother.
Q. What boys? A. The Martin boys--John Martin and his brother.

Comes now the Representative of the Cherokee Nation and moves that this be stricken from the record. It is hearsay as the present witness testified that the person she heard make the above remark is present and has testified before in this case.

Patsy Martin -C.N. 73544

Mr. MARTIN:

- Q. Did you hear anyone else say at the time the house was built who the house was built for? A. No sir, I don't remember anyone.
- Q. Did you hear your father say anything about who this lot was sold to and the house built for?

Mr. HASTINGS: Objected to as being hearsay and inadmissible.

- A. My father said, I heard my father say--
- Q. Did you hear your father say who the house was built for, or who the lot was sold to? A. I don't remember.

BY COMMISSION:

- Q. Do you remember the time that John M. Martin came from Texas to Lenapah? A. Yes sir, he came to Vinita, and went from Vinita to Lenapah.
- Q. Who was with him? A. He was alone. His mother stopped at Pryor Creek.
- Q. Do you know whether his mother ever came to Lenapah? A. I have heard she came; I did not see her.
- Q. Do you know whether she lived with John M. Martin? A. I have heard she was there, but I was at Nowata.
- Q. At Lenapah? A. No, not at Lenapah, then. John Martin and his brother were clerking for my father there.
- Q. But Patsie Martin did not come there? A. She stayed with her sister at Pryor Creek.
- Q. Did you hear it said at the time this lot was bought that John Martin and his brother were going to build a home for Patsie Martin? A. No, I do not remember that.
- Q. How large a place is Lenapah? A. A small place.
- Q. If Patsie Martin had lived at Lenapah you would have known it would you not? A. Yes sir.
- Q. You moved from Lenapah to Vinita? A. We moved from Vinita to Lenapah, and my mother took sick and we moved back to Vinita.
- Q. And then did you go to Nowata? A. That was after I was married in '95, I moved to Nowata.
- Q. When you came to Nowata in '95 did you see Patsie Martin there? A. No sir.
- Q. Do you know whether she was living there? A. No sir, I don't know.
- Q. Do you know whether she had a house there? A. No, sir, I don't think she did.
- Q. You never were at her house and she was never at yours? A. No sir.
- Q. Is Nowata a small town? A. Yes sir, a small place.
- Q. How large? A. I do not know how many inhabitants.
- Q. Do you know most of the people? A. Yes, sir, I know most all the old residents.
- Q. Is John M. Martin living there? A. Yes, sir.
- Q. In a house to himself? A. Yes sir.
- Q. You never saw his mother there? A. No sir, I never did.
- Q. His mother does not live there? A. She lives out in the country with her daughter, I know.

JOHN M. MARTIN, being duly sworn, testifies as follows:

By COMMISSION:

- Q. Your name is John M. Martin? A. Yes sir.
- Q. You have testified in this case before? A. Yes sir.

Patsie M. Martin C. R. 735--45

Q You are a son of the applicant, Patsie M. Martin.
A. Yes sir.

Q Do you desire now to make any supplemental statement to what you have already given? A. Yes sir.

Q. You may state it? A. I wish to state that in 1891, immediately after the house mentioned had been built, at Lenapah for a home for Patsie Martin, on account of a negro war trouble in that neighborhood, Patsie M. Martin decided that it was not a suitable locality in which to live, and decided to move elsewhere within the Cherokee Nation, and did so, afterwards establishing her home at Nowata, part of the time with and at the home of J. M. and G. A. Martin, and later with her daughter, Mrs. McComick, at which place she still resides.

BY MR. HASTINGS:

Q She never did occupy that house at all then?

A. At Lenapah? No sir.

Q Who owns it now? A. I don't know who owns it now.

Q What disposition was made of it? A. It was exchanged for a house and lot in Nowata to a man named John Kinney.

Q Who did the exchanging? A. I did.

Q Did you make the bill of sale to Kinney? A. I don't know whether a bill of sale was made; I think not.

Q Did you require one for the property at Nowata? A. No sir.

Q Who owns the property at Nowata? A. Joe Bowers owns it at this time.

Q When did he acquire it? A. In 1898.

Q Who from? A. J. B. Stoble.

Q From whom did he acquire it? A. From Patsie Martin.

Q Herself, individually? A. Yes sir.

Q Who did the trading for Patsie Martin? A. I did.

Q She did not appear then, in all this trading?

A. I have done all her business since 1886.

Q When did she go back to Texas? --after she first came here?

A. I think it was four or five or six months after she first came that she went back the first time.

Q Did she have children living in Texas? A. Yes sir.

Q What part of Texas did she live in? A. Gregg County.

Q When did she go back to Texas the first time?

A. It was about the year 1891.

Q With whom did she live in Texas when she went back there?

A. She did not live with anyone, she visited there.

Q How do you know she did not live? A. Of course she isn't dead; she is my mother and I have had full control over her affairs since 1866, and know what she has done.

Q She has other children? A. Yes sir.

Q She is not living with you now? A. No sir.

Q How long has it been since she lived with you?

A. Five or six years.

Q And you had full control over her business when she did not live with you? A. Yes sir.

Q How long did she remain that first time she went back to Texas?

A. Five or six months.

Q Did she have a farm there? A. Yes sir, has it yet.

Q Did she go back to this farm? A. Yes sir.

Q Who is living on it now? A. Negro tenants.

Q How long did her children live on it?

A. Her children never did live on it.

Q Where did they live--adjoining it? A. Yes, on some land that belonged to my father, adjoining that place.

Q. When did your father die? A. In 1895.

Patsie M. Martin, C. R-735-46

- Q Where? A. In Texas
- Q Were your father and mother living together?
- A. Well, they were not separated.
- Q They never were divorced? A. No sir.
- Q Your father never was in this country? A. Yes, he had been here several times.
- Q But he never came here to live? A. No, but he has been here several times.
- Q Your father owned a farm down there? A. Yes sir.
- Q And lived there? A. He lived with one of his sons.
- Q Your father and your mother owned farms adjoining down there, and lived together as husband and wife until his death in 1895?
- A. Yes sir.
- Q Where does your mother live now? A. With her daughter, Mrs. McComick, at Nowata.
- Q What children has she down there now? A. J. K. Martin and F. H. Martin---
- Q Where does J. K. Martin live now? A. In a little town on the Cotton Belt railroad, he has recently moved there, I believe the town is Linwood.
- Q Does your mother have personal property in Texas?
- A. Yes, cattle and horses
- Q She has them there yet? A. No not now, she has shipped them out.
- Q Did your mother come here in 1899 as she testified?
- A. Yes sir. She came here with some cattle in 1899; at a time prior to that, some two or three months, she had gone to Texas from Indian Territory for the purpose of moving her cattle to Texas.
- Q And her cattle had been in Texas all the time up to that time, on her farm in Texas? A. Part of them had.
- Q Now, how long had she been here the last time prior to going to Texas to remove her cattle, which you say she did some two or three months before March 1899? A. About eight years
- Q Now, Mr. Martin, I don't want to contradict you, but on your own statement, in answer to my question, How long had she been here prior to that time----A. I have no accurate record of that; I don't know.
- Q You don't know about that? A. No.
- Q You are not prepared to testify on that point?
- A. Yes, I am testifying on that.
- Q You are testifying on something you don't know-then? What are you going to swear about that?
- A. To the best of my knowledge.
- Q Well, now, to the best of your knowledge, what do you swear about that? A. That she was here eight years.
- Q Do you swear that she never was--never had been--in Texas for eight years prior to that time? A. No, sir.
- Q Now, how long had she been in the Indian Territory, continuously, before she went after those cattle? A. That I could not tell.
- Q About how long? A. I don't know; I kept no account of her whereabouts.

BY COMMISSION:

- Q Between 1890 and 1899, Mr. Martin, how much of that time did your mother actually spend in the Indian Territory?
- A. I am of the opinion that she spent about one half of the time
- Q And the other half in Texas? A. About that, yes sir.

COMMISSION:

Mr. Martin have you any further testimony to offer with respect to the enrollment of Patsie M. Martin as a Cherokee by blood? A. No, sir.

Fatsie M. Martin C. R-735--77

Q Mr. Hastings, has the Cherokee Nation any further testimony to offer in this case? A. The Cherokee Nation thinks the testimony submitted is sufficient and is therefore willing to submit the same upon the record.

This case will now be closed and a decision will be rendered on the record as now made up.

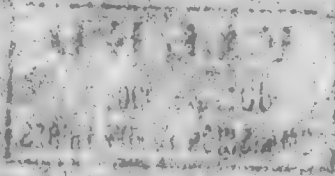
CASE CLOSED.

Lucy M. Bowman, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she correctly reported the proceedings had in the above entitled cause on the first above mentioned date, and the foregoing is a full true and complete transcript of her stenographic notes therein.

Lucy M. Bowman

Subscribed and sworn to before me this 30th day of June, 1905.

Myron White
Notary Public.



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John W. Brown

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FILED
JUL 3 - 1905
COMMISSION TO FIVE TRIBES.

Cherokee B 725
Cherokee B 607

Department of the Interior,
Commissioner to the Five Civilized Tribes,
Muskogee, La. B. August 9, 1905.

In the matter of the application for enrollment as a
citizen by blood of the Cherokee Nation of Patsie M. Martin.

ON BEHALF OF THE COMMISSIONER:

The attorney for the Cherokee Nation, W. W. Hastings, announces that he has no testimony to introduce in the matter of the application for enrollment as a citizen by blood of the Cherokee Nation of Patsie M. Martin, in rebuttal to that introduced on behalf of applicant on June 29, 1905, and has no further testimony to introduce in said case, and the same will be closed and a decision prepared on the evidence heretofore introduced.

Lucy M. Bowman, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she correctly reported the proceedings had in the above entitled cause on the ninth day of August, 1905, and that the above is a full, true and correct transcript of her stenographic notes therein.

Lucy M. Bowman

Subscribed and sworn to before me this 9th day of August, 1905.

Myron White
Notary Public.

C. 7. 8

COPY.

Cherokee N 735

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Patsie M. Martin as a citizen by blood of the Cherokee Nation.

--1--

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That at Nowata, Indian Territory, on October 18, 1900, Patsie M. Martin appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself as a citizen of the Cherokee Nation. Further proceedings were had in the matter of said application on March 4, 1902, at Muskogee, Indian Territory.

The records further show that on September 20, 1903, the Commission to the Five Civilized Tribes rendered its decision herein, denying said applicant the right to enrollment as a citizen by blood of the Cherokee Nation, and that, on October 22, 1903, (I.T.D. 6066-1903), said decision was duly affirmed by the Department; that on September 21, 1903, said Commission requested the Department to remand said case for readjudication in accordance with the opinion of the Assistant Attorney-General of March 16, 1903, in the Yeargain case, and that on March 15, 1904 (I.T.D. 6066-1903, 7162-1903), said request was denied by the Department; and that, thereafter, on November 19, 1904, a motion to reopen having been filed by the attorney for the applicant, said case was remanded by the Secretary of the Interior, for readjudication (Departmental letter I.T.D. 11730-1904). Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on June 15, June 29, and August 9, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Patsie M. Martin, is a Cherokee by blood, that she was born in the Cherokee Nation about the year 1834, and resided therein until she was fifteen years of age; that at the age of fifteen she removed to the State of Texas, where she afterward married, and continued to reside until the year 1899; that both the applicant and her husband owned and controlled valuable property in the state of Texas until the time of her husband's death, in March, 1895, and that said applicant still owns a farm in said state.

The evidence further shows that in 1890 said applicant, together with other members of her family, was admitted to citizenship in the Cherokee Nation by the legally constituted authorities of said Nation; and that said applicant, after her admission to citizenship in the Cherokee Nation in 1890, made frequent visits to her children in the Cherokee Nation, but did not remove to and permanently locate in said Nation until 1899.

An Act of the Cherokee National Council passed December 4, 1894, provides:

"All persons who have been or may hereafter be readmitted to citizenship in the Cherokee Nation are hereby required to permanently locate within the limits of the Cherokee Nation within six months from the passage of this act, or from the date of readmission of persons hereafter readmitted, or no rights whatever shall accrue to such persons by reason of such readmission: Provided, that nothing in this act shall bar minors and orphans."

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of the Act of the Cherokee National Council above noted, and of Section Twenty-one of the Act of Congress approved June 28, 1896, (30 Stat., 496), Patsie M. Martin is not entitled to enrollment as a citizen by blood of the Cherokee Nation, and her application for enrollment as such is accordingly denied.

SIGNED BY

Tams Bixby
COMMISSIONER

Dated at Muskogee, Indian Territory,

this OCT 5 - 1905

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of PATSIE M. MARTIN as a citizen by blood of the Cherokee Nation.

Cherokee D 697 (R 735).

The Commission on September 20, 1902, found that the applicant Patsie M. Martin was not entitled to be enrolled as a citizen of the Cherokee nation for the reason that under Section 21 of the Act of Congress of June 26, 1898, which provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship;....." that the applicant had not theretofore removed to and in good faith settled in the nation. Let's see what the testimony is upon this one question. It seems that Patsie M. Martin was admitted to citizenship by an Act of the Cherokee National Council on December 1, 1890, and, therefore, a question of compliance with the Act of December 4, 1894, requiring people previously admitted to return to the Cherokee Nation within six months thereafter, and the additional question as to whether or not she had removed to and in good faith settled in the Nation on June 28, 1898.

Patsie M. Martin appeared before the Commission on October 16, 1900, at Nowata, Indian Territory. She testified that she was 66 years of age at that time, and when inquired by the Commission as to how long she had lived in the Cherokee Nation she answered as follows:

"Q How long have you lived in the Cherokee Nation? A I lived here until I was 15 years old and then I moved to the state of Texas; I have been living in the Cherokee Nation two years now in the Spring."

"Q While you were out of the Cherokee Nation, you say, you lived in Texas? A Yes, sir."

"Q How long had you lived in Texas before you returned to the Cherokee Nation? A 50 years."

Then the record recites that the applicant presented a certificate of admission by the Cherokee Council approved December 4, 1890, and this certificate provides that none of the rights therein granted shall accrue until the applicant removes to the Cherokee Nation. Following this are the additional questions:

"Q You were admitted in 1890 and removed here two years ago? A Yes, sir."

"Q Have you lived here ever since? A Yes, sir."

"Q At what time two years ago did you come home? A In March, 1899."

"Q Then it will be two years next March? A Yes, sir."

Following this examination will be found the recapitulation of the facts by Commissioner Breckinridge in the field at Nowata, in the presence of Patsie M. Martin, reciting the above facts, and they must have been fully understood by Patsie M. Martin. It will be observed that the whole of her examination was as to the time of her return to the Cherokee Nation. In the first place she said that she had left the Cherokee Nation when she was 15 years old and had remained in the State of Texas for 50 years and that she was now 66 past, which would have made her return in the Spring of 1899.

In the second place she swears in October of 1900 that she had been here two years in the coming spring, which would have made her come here in the Spring of 1899. In the third place she swears positively that she came here in March, 1899, and she never has appeared before the commission to dispute this under oath. The only witness who has appeared before the commission tending to refute this is John M. Martin. He makes a most unsatisfactory witness. He has a convenient memory, but it is so convenient that he forgets just those things which are against him, which he should and must know. The Commissioner will not believe for a minute that he does not know how long his mother had been in Texas previous to her coming to this country in March, 1899, yet under oath he swears he does not, and it will be observed that during all of this cross-examination he seeks to evade the fact of the length of time that his mother resided in Texas. He tries to leave the impression that he was looking after his mother's business affairs. But that could not be true, because his mother had a farm in the State of Texas. Reference is made to the testimony of John M. Martin taken before the Commission at Muskegee, June 29, 1905, at the bottom of the second page of his testimony, wherein the question is asked, referring to the State of Texas:

"Q Did she have a farm there? A Yes, sir, has it yet."

"Q Did she go back to this farm? A Yes, sir."

"Q Who is living on it now? A Negro tenants."

"Q How long did her children live on it? A Her children never did live on it."

"Q Where did they live, adjoining it? A Yes, on some land that belonged to my father, adjoining that place."

"Q When did your father die? A In 1896."

"Q Where? A In Texas."

"Q Were your father and mother living together? A Well, they were not separated."

Further on down in the examination this question was asked:

"Q Your father and your mother owned farms adjoining down there and lived together as husband and wife until his death in 1896? A Yes, sir."

Now, it is quite clear that Patsie M. Martin never complied with the Act of December 4, 1894, and it is quite clear that she never "settled in good faith" as provided in the Act of June 28, 1896, in the Cherokee Nation until March, 1899.

The attorney for applicant attempts to leave the impression that Patsie M. Martin was depending upon her son to take care of her and that she and her husband were in depressed financial circumstances, whereas the very opposite is true, because the testimony shows that they not only owned farms, both of them, in the State of Texas, but that they owned quite a lot of personal property, including cattle, the last of which she did not remove until 1899, which clearly and completely refutes the idea that John M. Martin was her agent to look after her business affairs, because he swears he lived in the Cherokee Nation, whereas her farms and all of her personal property, including her cattle and household effects, were in the State of Texas.

The testimony shows that this woman lived with her husband, was not divorced, and was living with him when he died in 1896, and it is an elementary principle of law that the domicile of the husband is that of the wife and one around which the attorney for applicant cannot get. She lived there with him until he died; she continued

to live there until March, 1899, and she owns property there to this day. She was self sustaining and in addition to the farm had personal property in Texas.

During all of this controversy since this applicant first appeared before the commission and testified in positive language that she came here in March, 1899, the attorney for applicant has never seen fit to have her re-introduced to correct her own statement.

We submit that under the Act of December 4, 1894, and under the Curtis Bill that the applicant is not entitled to be enrolled as a citizen of the Cherokee Nation.

Respectfully submitted,

Attorney for the Cherokee Nation,

IN THE DEPARTMENT OF THE INTERIOR.

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In re Application of)
Patsie Martin, et al., for :
enrollment as Cherokee citizens.)

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MOTION FOR REVIEW.

Now comes the above named applicants by their attorney and move that the decision of the Commission to the Five Civilized Tribes and of the Secretary of the Interior in this cause be set aside and a new hearing granted and had for the reasons set forth in the affidavit attached hereto.

The only ground of rejection of Patsie Martin is that she did not remove to the Nation within six months from December 4, 1894, or before June 28, 1898. The testimony of the principal applicant in this case seems to bear out the finding of the Commission and Department that she did not remove to the Nation until March of 1899. The record and the affidavit show that the applicant is a very old woman and I believe her extreme age accounts for the mistake of facts on her part. The actual time of her removal to the Nation and her continued residence therein are facts easily provable by reputable citizens of the Cherokee Nation, and I believe that if the cause is referred back I will be able to establish beyond question that she did remove as stated in the affidavit, to wit, in October, 1890, and that she thereafter continued to make her home in the Cherokee Nation. If these are facts, then she is entitled to enrollment and knowing the disposition of the Department to render substantial justice to all applicants for citizenship, I confidently expect that this cause will be referred back to the Commission in order that the friends of this very old lady may have the opportunity of presenting for her the actual facts in the case.

Very respectfully,

John Henry White

IN THE DEPARTMENT OF THE INTERIOR.

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In re)
Application of Patsie Martin, :
et al., for enrollment as)
Cherokee citizens. :

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Indian Territory,)
: as:
_____ District.)

John James M. Martin, being first duly sworn, upon oath deposes and says that he is a resident of Nowata, Indian Territory; that he is informed that the record of the testimony in the above entitled cause shows that the applicant testified on October 16, 1900, as follows:

Q Have you lived in the Cherokee Nation? A I lived here until I was 13 years old, and then I moved to the State of Texas. I have been living in the Cherokee Nation now two years in the spring.

That she also is reported to have said that she moved to the Nation in March of 1899.

This affiant says that said Patsie Martin was at the time of giving that testimony a very old woman, being about 60 years old, and that for that reason, or because her testimony may have been incorrectly reported, the above does not correctly state the facts; that the facts in regard to the applicant's residence in the Cherokee Nation are to this affiant's own personal knowledge as follows:

That this affiant personally removed the said Patsie Martin from Texas to the Cherokee Nation, arriving in said Nation on October 11, 1890, since which time she has continued to make her home in the Cherokee Nation; that when she was admitted to citizenship in December, 1890, she was living with one Nancy Dial, a relative of hers in Tahlequah District, and this affiant believes the applicant's name was registered on the Tahlequah Dis-

trict census roll in that year: that this affiant from this time had charge of applicant's financial affairs and in December of 1890 purchased for her town lots in Lenapeh, Cherokee Nation, on which he built for her a house in April of 1891, using for that purpose money belonging to applicant: that this Lenapeh property was exchanged for Nowata property in 1894, which in turn was exchanged for improvements on the public domain near Nowata in 1898, which latter improvements applicant still owns.

That since October 11, 1890, the applicant has continued until the present time, as above stated, to make her home in the Cherokee Nation living generally with the aforesaid Nancy Dial and ~~xxxxxxxxxxxxxxxxxxxx~~ applicant's daughter, Mrs. Isabela McCormic, at Nowata, Cherokee Nation.

(Signed) John W. Martin

Subscribed and sworn to before me this 17th day of October, A. D. 1904.

Notarial Seal

(Signed)

A. R. Rings

Notary Public.

My commission Exp. Sept 7, 1906.

IN THE DEPARTMENT OF THE INTERIOR
Commissioner to the Five Civilized Tribes.

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In re Application of PATTIE M. MARTIN for enrollment as a
Citizen of the Cherokee Nation

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BRIEF FOR APPLICANT.

This applicant was admitted to citizenship, which admission contained a proviso that she remove to and settle in the Cherokee Nation. In giving her testimony she said that she removed to the Nation in 1899. Supplemental testimony taken June 13, 1905, and June 28, 1906, shows that she is a very old woman, being now 72 years of age, and that she is in bed most of the time on account of ill health. There is no doubt that she was mistaken in giving this time as the date of her removal to the Nation. Mr. John M. Martin, her son, who has had control of her affairs since before the time of her admission to citizenship, testified that when she was admitted to citizenship she was living in the Nation, and that she has continuously since that time made her home in the Nation. She was admitted to citizenship on December 4, 1890, and had come to the Nation the preceding October. She made her home with her sons and daughters in the Nation at Nowata, in Tahlequah District, and at other places, and is now living with her daughter in the Nation.

"Q. Your mother appeared before the Commission on October 18, 1900, and at that time she testified that she removed to the Cherokee Nation in March, 1899. What do you know about that? A. I know that is not correct. In March, 1899, she moved a herd of cattle from Texas to the Indian Territory, the last of her property that she had in Texas."

There is no doubt that she visited other children of hers several times in Texas and that until 1899 her husband lived most of the time with his children in Texas, visiting his children in the Nation and in Texas. It is also clear that her son, John M. Martin, bought for her with her money a lot in Lenoir County, Cherokee Nation, and also with her money in the early part

of 1891 built her a house on that lot, which she continued to own until the year 1894, when he for her traded the house and lot for a house and lot in Nowata. She continued to own this house and lot in Nowata until 1895, when he for her traded it for a farm about three miles northwest of Nowata in the Cherokee Nation, which farm the applicant still owns. It is evident that she had various personal property, including her household effects, in the Nation. She seems to have kept some cattle in Texas and owned a small farm in Texas. It is also true that her husband owned a farm there of his own. I believe that the above will be found a fair and accurate statement of the testimony in this case. It is in most essential particulars corroborated by the other witness who testified on June 29, 1905.

The object of the act of December 4, 1894, was that those who had theretofore and who might thereafter be admitted to citizenship should take part in the material development of the country and become identified with its material improvement. The act readmitting this applicant contained substantially the same provision. We respectfully submit that this applicant did remove to the Nation and identify herself with it in all essentials, and that she should therefore be enrolled.

It may be asserted that because the husband of Patsie Martin continued to reside in Texas after her admission until the time of his death, that her constructive legal residence remained in Texas during that period, notwithstanding the fact that she actually made her home with her children in the Cherokee Nation, while he actually made his home with other children in Texas. The following testimony brought out by Mr. Starr on cross-examination may, therefore, be considered as important enough to quote here.

Q. Where was her house? A. She lived with her husband, whose farm joins her own farm, from about 1891 or 1892 until 1895.

Q. Is her husband living yet? A. No sir.

Q. When did he die? A. He died in March, 1895.

Q. Where was he living at the time he died? A. On his farm with Kilgore with one of his sons.

Q. Did Patsie Martin live with her husband until he died? A. No sir, both father and mother were retired from active service in 1880. In 1885 father was burnt out in business and since that time I have had the support of him as long as he lived, and mother since that time.

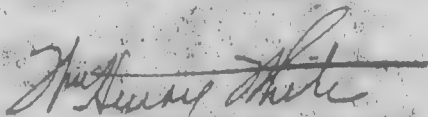
Q. With whom did Patsie Martin live after with after 1880 up to 1894 in Texas, who did she make her home with there? A. She didn't make her home with anybody there, she was with her sons a part of the time.

We find from this testimony that the husband of Patsie Martin died in March, 1895, or three months before expired the time within which she must have established her permanent home in the Cherokee Nation under the Act of December 4, 1894. Whatever may have been the legal presumption as to her residence during the lifetime of her husband, that presumption ceased with the death of the husband in March of 1895. From this date then she cannot be held to have been constructively a resident of Texas, because her husband was a resident of Texas. Her actual residence would govern at least from the minute of the death of her husband, which as above shown was three months before the time expired within which she must have become a resident of the Cherokee Nation.

Aside from this the testimony is clear that while there had been no legal separation between Patsie Martin and her husband, the failure of her husband in business required that the children of these two old people provide for them in their old age, and this was done by making a home for Patsie Martin with her children, who were in the Cherokee Nation, whereas a home for the father was made with those children who remained in Texas. Of course, the father and mother frequently were together, both in Texas and in the Cherokee Nation. This is a most natural condition growing out of the unfortunate financial loss of Patsie Martin's husband. These two old people became dependent upon their children. They were both very old and no doubt required a good deal of attention and care that was more than any one family could give. The particular care of the mother fell to the son, John M. Martin, in the Cherokee Nation, and upon him devolved the duty of caring for his mother, and what little property she had left during her old age and from 1886, the time

of the fire mentioned, which shows that he has fulfilled that duty by making a home for her with the children who resided in the Nation. The duty of caring for the husband and father devolved upon other children living in Texas, and they, no doubt, performed that duty until the death of the father in March, 1895. We submit that this is not a case where any legal presumption of residence should be allowed to control, because the facts so plainly show that the actual residence of Patsie Martin and her husband were separate and distinct from 1886 to the present time; whereas we submit that even if the legal presumption does control, the constructive residence of Patsie Martin ceased to be in Texas on the death of her husband in March, 1895, and that immediately upon the death of her husband her legal and constructive residence changed to her actual residence in the Cherokee Nation, for all of which reasons she is now entitled to enrollment.

Respectfully submitted,


Attorney for Applicant.

IN THE DEPARTMENT OF THE INTERIOR.

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In re Application of JAMES MARTIN, et al., Cherokee Freedmen.
Cherokee Freedmen B 344.

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SUPPLEMENTAL BRIEF FOR APPLICANTS.

The latest utterance of the Cherokee Nation in this case was forwarded to me under date of July 10, 1905. In this the Nation's attorney undertakes to distort my contention on the second page of their brief, in which it is asserted that I contend that it is sufficient for an applicant to show himself to be the descendant of a person who was at any time a slave of a Cherokee citizen. Nowhere have I ever undertaken to assert any such doctrine. The Treaty and the Amendment to the Constitution both provide that the benefits are limited to freedmen who were in the country at the commencement of the Rebellion and their descendants. Martin's father and mother were both in the country at the commencement of the Rebellion, and thus complied with the provisions of the Treaty.

As to the impeachment of Anderson Lynch and Allen Lynch I have only to say that they were not impeached in this case, and further that even if they were impeached it is still possible for them to tell the truth. Their evidence is not contradicted in the slightest degree by any person. The principal applicant in this case testifies positively to the facts within his knowledge and it is well known to the attorneys for the Cherokee Nation that he is a reliable and truthful person. I do think that this case should not be decided against the applicants solely on the ground that the administrators of Jop Lynch did not find the mother of these applicants as a part of the estate, when, from all the facts in the case, it is very likely that she was in Kansas and a free negro at the time.

Respectfully submitted,

James Martin

COMMISSIONERS:

HENRY L. DAWES,
TAMM SIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 607.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 22, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

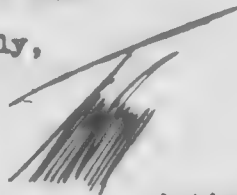
Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of Patsie M. Martin for the enrollment of herself as a citizen by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Acting Chairman.

Enc. C. No. 10.

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. DRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee 3 697.

Muskogee, Indian Territory, November 11, 1902.

V. W. Hastings,

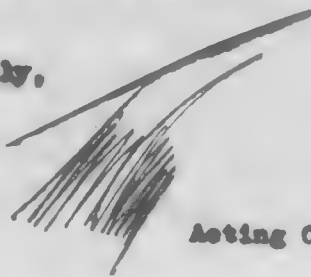
Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting the application of Fatsie M. Martin for the enrollment of herself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 22, 1902.

Respectfully,



Acting Chairman.

WILLIAM HENRY WHITE,
Attorney at Law,
COLUMBIAN BUILDING, 416 5TH ST., N. W.,
Washington, D. C.

November 8, 1904.

W. W. Hastings, Esq.,
Muskogee, Ind. Ter.

Dear Sir:

Enclosed please find carbon copy of motion for review
in re application of Fatsie Martin for enrollment as a Cherokee
citizen.

Yours very truly,

A handwritten signature in dark ink, appearing to read "W. H. White", with a long horizontal flourish extending to the right.

(COPY)

W. C. F.
Y. P.
FMS

DEPARTMENT OF THE INTERIOR,

D. C. 49424-1904

WASHINGTON, November 19, 1904.

I. T. D. 11720-1904.

LES

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

November 15, 1904, the Acting Commissioner of Indian Affairs transmitted a communication from Wm. Henry White, Columbian Building, this city, submitting a motion for review in the matter of the application of Fatsie Martin for enrollment as a citizen of the Cherokee Nation.

On October 22, 1902, the Department affirmed your decision rejecting the applicant, and on September 21, 1903, you requested that the case be remanded for readjudication in accordance with the opinion of the Assistant Attorney General in the Yeargain case. On March 15, 1904, you were advised that the facts in the case did not warrant it being remanded, in view of the opinion of the Assistant Attorney General in the case of Allie Williams.

The record shows that the applicant was 66 years of age at the time the testimony in the case was taken in 1900; that she was admitted to citizenship in the Cherokee Nation on December 1, 1890, and that she did not remove to and settle in the Cherokee Nation or Indian Territory until 1894.

It appears from the affidavit submitted in support of said motion for review, that the applicant removed to the Cherokee Nation in October, 1890, and continued thereafter to make her home in said nation.

The motion is hereby granted, and you will so notify the applicant, her attorney, and the attorney for the Cherokee Nation. The record and motion for review are inclosed herewith. You will conduct a rehearing in the matter and submit the proceedings with your recommendation.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

2 inclosures.

COMMISSIONERS:

TAMM HIXBY,
THOMAS A. WENDLER,
C. E. BRACKENRIDGEWM. O. BEALL
Secretary

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

RECEIVED IN DEPT. OF THE INTERIOR

Cherokee R-738
P-100ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 3, 1904

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

The Commission is in receipt of Departmental letter of November 19, 1904, granting a motion for rehearing in the case of Patsie M. Martin, Cherokee R-738, and directing that she be given an opportunity to appear before the Commission and introduce further testimony in support of her application for enrollment as a citizen of the Cherokee Nation.

The applicant has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Friday, December 23, 1904, and introduce such testimony as she may desire in support of her said application. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

For your information there is herewith enclosed a copy of the Department's letter above referred to.

Respectfully,

Enc. D-8.

Cherokee

REPLY IN REPLY TO THE FOLLOWING:
Cherokee B-785.
D-407.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

JS

Muskogee, Indian Territory, August 11, 1905.

V. V. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental proceedings had on August 9, 1905, in the matter of the application for the enrollment, as a citizen by blood of the Cherokee Nation, of Patsie M. Martin.

Respectfully,

W. O. Beall

Acting Commissioner.

IMB
Incl. B-40

REPLY IN REPLY TO THE FOLLOWING:
Cherokee R-735.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 5, 1905.


W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 5, 1905, rejecting the application for the enrollment of Patsie M. Martin as a citizen by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,



Commissioner.

Incl. S-30

IN THE MATTER OF THE APPLICATION OF

Felix M. Martin

EXHIBENT AS

CHEROKEE CITIZENS.

A Original testimony. Sept 16/1900

B Memo of application. Oct 16/1900

C Notice of final consideration. 3/5/02

D Receipt for testimony

E Book of machinery

F Supplemental proceedings and order
closing testimony. March, 1902

A. D. R.

Cher D 608

Cher D 608

Department of the Interior,
Commission to the Five Civilized Tribes.
Nowata, I. T., October 16, 1900.

In the matter of the application of Elbert B. Dawson for enrollment as a Cherokee citizen, he being sworn and examined by Commissioner B. R. Brackinridge, testified as follows:

- Q Give me your full name? A Elbert B. Dawson.
Q How old are you? A 28.
Q What is your postoffice? A Talala.
Q Is Cooweescoowee your district? A Yes sir.
Q Who do you want to enroll? A Myself.
Q Do you claim to be a Cherokee by blood? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Ever since '85.
Q Were you admitted by the Cherokee Commission? A Yes.
Q Give me the name of your father? A Elbert Dawson.
Q Give me the name of your mother? A Sarah J.
Q Is your father dead? A Yes.
Q Is your mother dead? A No.
Q Was your mother ever married to any one except your father? A No sir.
Q Was your father ever married to anyone except your mother? A No.
The applicant presents an official copy of the record of the Cherokee Commission on Citizenship showing that on Jan. 11, 1883, various persons were admitted to citizenship and among them appears the name of Elbert Dawson; that is the name of your father? A Yes sir.
This is recognized as official evidence of the fact as stated.
Q You were a minor at that time and claimed to be admitted as a minor child? A Yes sir.
Q Have you lived here ever since '85? A Yes sir.
Q Was your father living in '94? A Yes sir.
1894 roll; page 176, #1313, Burton Dawson, Cooweescoowee.
Commissioner-

The applicant presents an official certificate of the records of the Cherokee Commission on Citizenship showing that his father was admitted to citizenship as a Cherokee by blood in 1883. He states that he has lived in the Cherokee Nation ever since '85 and claims the right of citizenship, being a minor at the time of his father's admission. He is now 28 years of age. He claims to have lived in the Cherokee Nation since 1885. He is not identified on the roll of 1896, but is identified on the roll of 1894. The Cherokee Commissioners protest against the enrollment of the applicant and other members of the family upon the ground of fraud in the procurement of their admission; and it has been found that members of this family were denied enrollment in 1896 by the Cherokee authorities. His application will now be listed upon a doubtful card for further consideration, and the applicant will be classed as a Cherokee by blood. The final decision of the Commission will be made known at his postoffice address. The official document cited is returned to the applicant.

E. G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

Subscribed and sworn to before me this 17th day of October, 1900.

E. G. Rothenberger
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE UNDEVELOPED
FILED
OCT 17 1900

ACTING CHAIRMAN

19608

CHEROKEE.

D 60.

Albert B. Harrison & al

Cancelled and tra. signed
to Cherokee 10/23

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

See N 304

Cher D 609

Cher D 609

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., October 18, 1904.

In the matter of the application of Sarah J. Dawson for enrollment as a Cherokee citizen; she being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your full name? A Sarah J. Dawson.
Q How old are you? A 60.
Q What is your postoffice? A Salala, I.T.
Q In what district do you live? A Cooweescoowee.
Q How is it you wish to be enrolled? A Just myself.
Q Do you apply as a Cherokee by blood? A My husband's a Cherokee.
Q You apply as a Cherokee by adoption? A Yes sir.
Q You were admitted to Cherokee citizenship by the Cherokee Commission, were you not? A I suppose so.
Q Give me the name of your husband? A Elbert Dawson.
Q Is he alive or dead? A He's dead.
Q He was a Cherokee, was he? A Yes.
Q When were you married to him? A In '84.
Q Were you ever married except to him? A No.
Q Was he ever married except to you? A No.

The applicant presents an official copy of the records of the Cherokee Commission on Citizenship showing that on Jan. 11, 1883, certain persons were admitted to citizenship and among them appears the name of Elbert Dawson. Now, that was the name of your husband?

A Yes.
This is recognized as official evidence of her husband's admission at that time.

Q How long after his admission was it before your husband came to the Cherokee Nation? A I believe it was three years before we came here.

Q Then did he live continuously in the Cherokee Nation from that time until he died? A Yes sir.

Q You came with him? A Yes sir.

A We lived here all the time.

Q Ever since you came after his admission? A Yes sir, we came I think in '85.

Q And remained ever since? A Yes.

Q When did your husband die? A February a year ago.

1894 roll; page 176, #1511, Elbert Dawson, Cooweescoowee.

Witness sworn; Francis M. Dawson, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Francis M. Dawson.

Q What is your age? A 58.

Q What is your postoffice? A Ocumma, I.T.

Q Are you related to Mrs. Dawson here? A Yes sir.

Q What kin are you to her? A My brother's wife.

Q Is she the only wife your brother ever had? A Yes sir.

Q Were they married before your brother's admission to citizenship in '83? A They were married before the war.

Q They lived together as husband and wife until your brother's death? A Yes.

Q And your brother died a little over a year ago? A Yes.

Representative J. Daugh to witness.

Q In making application for citizenship before the Cherokee authorities, was this lady Jane Dawson, included in the application? A No.

Q Did they make application for her? A No sir.

Q And she wasn't included then in the admission? A No, just father and his family.

Q There were none of the wives of these parties that were admitted; they were never included in the list? A No sir.

2- S. J. D.

Commissioner.

The document in question states that the persons admitted are entitled to all the rights and privileges of Cherokee citizenship within the Cherokee Nation, and that they should be, and are hereby admitted to the full and complete enjoyment of the same as native born Cherokees.

re-direct.

Q Why are you not on the roll of 1896? A I don't know.

Q Was not application made for your enrollment? A I don't know.

Q Neither you nor your husband's name appear upon that roll. A He ought to be there, he enrolled.

Q Was objection made to your enrollment and your husband's enrollment at that time by the Cherokee authorities on account of circumstances of their admission to citizenship? A No.

Q It has been stated by some of the members of your family that objection was made to his enrollment, and that they were stricken from the roll by the Cherokee authorities on that ground?

A There was none made when he enrolled. ~~He was enrolled.~~

Q But he ~~was~~ not enrolled? A He was enrolled.

Q Not in 1896? A Yes sir.

Q He was enrolled? A He was enrolled at Oolagah.

Commissioner-

The applicant's husband is identified on the roll of 1894, and she shows by the certificate of admission cited in the testimony that her husband was admitted to citizenship in 1885. It is shown that she was married to her husband many years prior to that time and that they lived together as husband and wife from the time of their marriage until his death a little over a year ago, and neither of them were ever married except in the union between themselves. She has continued to live in the Cherokee Nation since she came with her husband in 1885, but neither she, nor her husband, are identified on the roll of 1896. The applicant states that she and her husband were both put on the preliminary roll of 1896, but neither of them are upon the permanent roll as finally adopted by the Cherokee authorities. The Cherokee representative present protests against the enrollment of the applicant as against that of other members of his family because of alleged fraud in their admission to citizenship. For the further consideration of the points of this case, this application will be placed upon a doubtful card, and the final decision of the Commission will be communicated to the applicant at her postoffice address.

Representative J. Baugh, of the Cherokee Nation-

And, that especially in the case of Sarah J. Dawson, the Cherokee Nation before it claims that she is not entitled to enrollment for the simple fact that she was never admitted to citizenship. She appears upon none of the rolls, and properly comes under the ~~provisions~~ provisions of the Indian Appropriation Bill approved May 31, 1900, which claims that this Commission has no jurisdiction to place anyone upon the roll of the Cherokee Nation who has not yet heretofore been acknowledged as a citizen of the Cherokee Nation, or been placed upon some roll of said Nation.

M.C. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

Subscribed and sworn to before me this 17th day of October, 1900.

Commissioner.

R

C, B-709

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 7, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
James W. Turley for the enrollment of himself as a Cherokee citizen.

Appearances:

W. V. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 17, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory on the 7th day of March, 1902. And that on said date he might appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any additional testimony affecting his application. Receipt has been acknowledged of the Commission's letter, and the applicant having this day, to-wit: the 7th day of March, 1902, been called three times and failing to respond either in person or by attorney, it is considered that this case is completed and same is ordered reported to the Commission for final decision based upon the evidence now of record.

207
I M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M. D. Green

10709

DEPT. OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 20 1902

Acting Chairman

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 17, 1902.

In the matter of the application of SARAH J. DAWSON, for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation:

SARAH J. DAWSON, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name in full? A Sarah J. Dawson.
Q What is your age at this time? A Sixty two.
Q What is your post office? A Talala.
Q Are you the same Sarah J. Dawson that applied to the Commission for enrollment as an intermarried citizen in 1900? A Yes sir.
Q What is your husband's name? A Elbert Dawson.
Q Is he living or dead? A He's dead.
Q Was he a citizen by blood of the Cherokee Nation?
A Yes sir.
Q Where were you married to him? A We were married in Arkansas.
Q Were you ever married before you married him? A No sir.
Q Was he ever married before he married you? A No sir.
Q After you and he were married in Arkansas, how long was it before you came to the Cherokee Nation? A I don't know just how long. We came here in 1885.
Q Was he admitted to citizenship when he came? A Yes sir.
Q You were not admitted with him were you?
A I don't know; he attended to all the business.
Q You don't know anything about it? A No sir.
Q You were never re-married to him after you came to the Cherokee Nation, were you? A No sir.
Q Have you lived in the Cherokee Nation all the time since you came here in 1885? A No sir, I have never been out.
Q Did you and your husband Elbert Dawson, live together as husband and wife from the time of your marriage up to this death?
A Yes sir.
Q You never were separated? A No sir.
Q Were you still a widow and single on the first day of September, 1902? A Yes sir.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this October 17, 1902.

B. C. Jones
Notary Public

CHEROKEE.

D. 60

Sarah J Dawson

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

OCT 25 1907 *Cancelled by the Cherokee Nation*

See Gasket D324

Cher D 610

Cher D 610

Department of the Interior
Commission to the Five Civilized Tribes.
Nowata, I. T., October 16, 1900.

In the matter of the application of Martha E. Connor for the enrollment of herself and children; she being sworn and examined by Commissioner C. R. Brockbridge, testified as follows:

- Q Give me your full name? A Martha E. Connor.
Q How old are you? A 33.
Q What is your postoffice? A Coffeyville, Kans.
Q What district do you live in? A Coowasacoowas.
Q Who is it you want to have put on the roll? A Myself and children.
Q Have you a husband? A My husband's dead; he died in '97.
Q How many children? A Six.
Q Are you a Cherokee by blood? A No sir.
Q By adoption? A Citizen by marriage.
Q When were you married? A In '83.
Q To whom were you married? A Alexander Connor.
Q He was a Cherokee? A He was a registered Delaware.
Q When did he die? A He died in '97.
Q Did you and he live together as husband and wife from the time of your marriage until his death? A Yes sir.
Q Were you ever married except to him? A No sir.
Q Was he ever married except to you? A Yes sir.
Q Was his former wife dead when he married you? A Yes sir.
Q What was the name of his former wife? A Lissie.
Q When did she die? A She died in '85.
Q Before your husband's marriage to you? A Before my marriage to him.
Q Give me the names now, please, of your six children? A Albert A. Connor.
Q How old is he? A 16.
Q Next child? A Annie E.
Q How old is she? A She will be 14.
Q Next child? A Clara E.
Q How old is she? A 13.
Q Next child? A Ella M.
Q How old is she? A 10.
Q Next child? A Bebe M.
Q How old is she? A She's 8 years old.
Q Next child? A Johnnie E.
Q How old is he? A Three.
Q Have you a certificate of his birth made out? A Yes.
Q Have you a certificate of marriage? A Yes sir.
1880 roll; page 83, #306, Alex Connor, Coowasacoowas
1880 roll; page 364, #179, Alex Connor,
1884 roll; page 289, #328, Martha E. Connor,
1898 roll; page 364, #153, Albert A. Connor,
1884 roll; page 364, #164, Annie E. Connor,
1898 roll; page 364, #185, Clara E. Connor,
1884 roll; page 364, #186, Ella M. Connor,
1898 roll; page 364, #187, Bebe Connor,

The applicant presents an illuminated certificate of marriage showing that she and her husband as stated by her were married on Aug. 22, 1883, by the Rev. William Adams. They were married near Alluwe, I. T. This is returned to the applicant.

- Q How long did you husband live in the Cherokee Nation? A Ever since the Delawares moved to this country.
Q Over thirty years? A I guess so they moved here in '83.
Q He lived here from that time until his death? A Yes sir.
Q Did you live with him from the time of your marriage until his death? A Yes.
Q Have you continued to live in the Cherokee Nation? A Yes sir.
Q Have you remarried since his death? A No sir.
Q Was your husband a Delaware by blood? A Yes sir, he was registered Delaware.

A. M. H. Q.

Representative J. Baugh of the Cherokee Nation-

- Q Was your husband a Delaware by blood? A Yes sir.
Q Do you know him to be such? A Of course, I never knew him
ever since he was born.
Q Didn't know it from him that he was a Mexican? A No sir.
Q Your daughter stated awhile ago that he was a Mexican? A I
never knew him any other way than a registered Delaware. He drew
Delaware money.

Commissioner-

- Q Did he have some Mexican blood in him? A He might have.

J. Baugh.

- Q You never knew he was a Mexican? A No sir.
Q You never heard anyone say he was a Mexican? A I never heard
the Delawares say he was a Mexican.
Q Did you ever hear the children say that he was a Mexican? A I
don't know how they would know it; I don't know he was a Mexican.

Commissioner-

- Q Did you ever hear your children say so? A I heard the children
heard that; but they never knew it was the truth. They heard people
say so. They did not know; they were not citizens; the ones that
said so.

Witness, Henry Armstrong, being sworn and examined by Commissioner
G. H. Breckinridge, testified as follows:

- Q Your name? A Henry Armstrong.
Q Your age? A 58.
Q Your postoffice? A Goodie's Bluff, I. T.
Q How long have you lived in the Cherokee Nation? A Ever since
'88.

Representative Baugh to witness:

- Q Were you acquainted with Alex Connor, the husband of this lady
here? A Yes sir.
Q What was he? A Old John Connor's he brought the boy from the
Comanche's out west here when he come to Kansas, that was about '87.
Q What did you understand Alex Connor to be, of what blood? A
A Mexican.
Q You never knew him to be a Delaware by blood? A No sir.
Q He came here with you people? A Yes sir.
Q He married a Delaware prior to coming here? A Yes sir.
Q That is how he happened to come here? A Yes sir.

Witness, Simon Love, being sworn and examined by Commissioner G. H.
Breckinridge, testified as follows:

- Q What's your name? A Simon Love.
Q Your age? A 48.
Q Your postoffice? A Claremore.
Q How long have you lived in the Cherokee Nation? A Ever since
'88.

J. Baugh, representative of the Cherokee Nation-

- Q Was you acquainted with Alex Connor? A Yes sir.
Q The husband of this woman? A Yes sir.
Q How long had you known him? A Ever since I can recollect.
Q What was he? A I understood that he was a Mexican.
Q How long had he lived in the Delaware tribe? A As long as I
can recollect.

2- M. E. O.

Q He came to this country with the Delawares? A He came with us.
Q Had he married a Delaware woman at the time he came here? A Yes sir.
Q Did he come with the Delawares because he married a Delaware woman? A That's more than I can tell.
Q You understood that is the way he got his rights? A Yes sir.
Q The same as a white man who married a Delaware? A Yes sir.
Q They brought some white men the same way, did they not? A Yes sir.

Representative Baugh to Henry Armstrong-

Q Do you know whether or not that those children he has had by this last wife have been drawing money or not? A They were cut out.

Q And they were refused a payment? A Yes.

Q And that was on the ground, he being a Mexican, and marrying a white woman, the children were not Delawares? A That is the way I understood it.

Delaware Pay Roll of 1896;	No. 220,	Alex Connor.
"	"	"
"	"	No. 222, Annie E. Connor.
"	"	No. 223, Clara E. Connor.
"	"	No. 224, Ella E. Connor.
"	"	No. 225, Beho M. Connor.
"	"	No. 226, Albert Connor.

Commissioner-

The applicant applies for the enrollment of herself and six children. Her deceased husband is identified on the roll of 1890 as an adopted Delaware. With him on that roll is identified also his former wife as an adopted Delaware. The applicant is shown to have married her husband who died in 1897 in 1885, and she states that his former wife was dead at that time. She states that her husband has lived in the Cherokee Nation from about 1868 until the time of his death, and that she has lived in the Cherokee Nation ever since her marriage to him, and that since his death she has not remarried. The applicant is identified on the roll of 1896 with her husband and children. It is contended by the Cherokee representative present that the applicant's husband was admitted to enrollment in 1880 by reason of intermarriage with a Shawnee woman, and that he was a Mexican. The testimony is referred to in full in connection with this point. For the further consideration of the matter, the applicant's application for enrollment will at present be placed upon a doubtful card; she being listed as a Cherokee by adoption. As to the six children named in the testimony, the first five are identified on the Census roll of 1896 and they are also identified with their deceased father on the Delaware Pay Roll of 1896; the same being made by order of, and under the auspices of the Cherokee Nation. These children are all minors and are living now. The application for their enrollment will be placed likewise on a doubtful card for further consideration, they being classed as Cherokee-Delawares. When the Commission is supplied with a certificate of the birth of the younger child, Johnnie E. Connor, this child also will be listed for enrollment on a doubtful card as a Cherokee-Delaware. The final decision of the Commission will be communicated with the applicant at her postoffice address.

R. G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full and proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

Subscribed and sworn to before me this 17th day of October, 1900.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., October 18, 1900.

D. Del 12.

D. 010.

In the matter of the application of Albert A. Gannor et al.
for enrollment as Delawares.

In the matter of the application of Martha E. Gannor for en-
rollment as a Cherokee by intermarriage.

Additional testimony.

Martha E. Gannor, being sworn and examined by Corbin O. Brook-
bridge, testified as follows:

Q Give us your full name? A Martha E. Gannor.

Q What is your age? A 32.

Q What is your post office address? A Coffeyville, Kansas.

Q Are you the widow of Alexander Gannor? A Yes, sir.

Q Do you live with the Cherokee Nation with the Delawares, did he? A Yes,
sir.

By E.H. Lawton, attorney for applicants: When were you married to
Mr. Alexander Gannor? A August 28, 1883.

Q Was there any children as the result of the union between you and
Mr. Gannor? If so state their names? A Yes, sir. (Names of children
given in original testimony.)

Q Do you know when Mr. Gannor came to the Cherokee Nation? A Yes,
sir, I heard him and another man talking about it at my house, he came
here in 1888.

Q Did he come with the balance of the Delawares? A Yes, sir.

Q At the same time? A Yes, sir, he came when the Buffalo Dela-
wares did.

Q Do you know how he was admitted into the Cherokee Nation, whether
as an adopted citizen, a Delaware citizen, as a white adopted citizen,
or an adopted citizen of any kind? A I understood he was registered
as a Delaware; that is all I understood about it.

Henry Armstrong, being sworn and examined by Corbin O. Brook-
bridge, testified as follows:

Q Give me your name? A Henry Armstrong.

Q Your age? A 38.

Q Your post office? A Coffey's Bluff.

Mr. Lawton: Were you acquainted with Alexander Gannor during his
life time? A Yes, since 1888 or along there.

Q Do you know whether or not Alexander Gannor drew money with the
Delawares? A Why he did, but along about 1890 they cut him off, I
don't know what for; that is, they cut the second wife's children off.

Q Do you know whether or not they drew money in 1888, the second
wife's children? A I think they did, because I put them on the roll
myself.

Q They drew money then in 1888? A Yes, sir.

Q Do you know whether or not they drew money prior to 1888? A No,
I don't think they were.

Q I don't mean the women, I mean the children? A There wasn't
any Delaware since 1888.

Q Do you know when Alexander Gannor came to the Cherokee Nation?

A Why I suppose he came with the balance of the Delawares.

Q Do you know whether or not he is one of the original Delawares,
who bought his right down in the Cherokee Nation in 1868, and whether

he is on the roll? A His name is on the roll.

Q Have you a copy of those rolls? A No, sir.

Q What roll is that? A The roll of 1867.

(Applicants' counsel calls attention to the fact that the name of
Alexander Gannor appears as No. 187 of the printed, but unofficial,
copy of the list of Delaware Indians who purchased rights in the
Cherokee Nation in 1867, in the hands of the Cherokee representatives.)

Mr. Gale Starr, representative of Cherokee National. How do you know
the name of Alexander Gannor is on the roll of Delawares who came

Albert A. Conner and Thomas E. Conner - 2.

here in 1867? A I don't say that it is, just simply that name.

Q Just from seeing it on the printed copy? A Yes, sir, I don't say that is the same man's name.

Q Do you know of your own knowledge that he was adopted in the Delaware Tribe? A I don't say that, I supposed he had been to one of the Delaware up north and come with her down here; she did come here and a woman, his white woman, his second wife.

Q Isn't it a fact that he is an intermarried citizen of the Delaware Tribe? A Yes, sir.

John V. Kinney, being sworn and examined by Commissioner Brockway, testified as follows:

Q What is your name? A John V. Kinney.

Q How old are you? A 38 years old.

Q Where is your place of residence? A Lenape.

Q Do you live in the Delaware District? A Yes, sir.

Mr. Brockway: Are you acquainted with Alexander Conner, during his life time? A Yes, sir.

Q How did you become acquainted with him? A In 1860 about the time he came down here as a prospected man. A He is a man, a prospected man.

Q How long did you live with Conner prior to 1867? A Yes, sir.

Q How long did you live with him prior to the Delaware Tribe in the Delaware District prior to 1867? A I don't know his relation only to the Delaware Tribe.

Q How old was Conner? A He was a Mexican man by 1860 and when John Conner met him.

Q How long did you live with him? A I always understood he was adopted into the Delaware Tribe.

Q Do you know when Alexander Conner came to the Cherokee Nation?

A In the year of 1861.

Q How long did you live with the remainder of the Delaware Tribe? A He came down here and lived with me and his outfit.

Q Do you know whether or not Alexander Conner is on the land roll or not as one of the persons that purchased their lands in the Cherokee Nation and were here in 1866? A That is what I have always understood.

Q Do you know whether or not Alexander Conner and his children by the name of E. Conner ever drew Delaware money? A Yes, sir, I have seen them draw it.

Q Have you seen them draw Delaware money? A Yes, sir.

Q Do you know whether or not Alexander Conner's name appears on the roll of Delawares who came to the Cherokee Nation in 1867? A I always heard it did.

Q I will ask you if Conner and his children have been maintained as Delawares Indians since you knew them here? A Always was.

Q Where has Mr. Conner been in the Cherokee Nation? A Yes, sir.

Q I will ask you whether he came in 1867.

Mr. Brockway: How do you know that Alexander Conner's name appears upon the list of Delawares who came in 1867? A I always heard it did.

Q How long did you live with him? A Yes, sir.

Q How do you know that he was adopted by the tribe? A I have heard that from the tribe, from the old men and women, and he was one of the persons; I have always understood that.

Q You don't know it of your own knowledge? A No, just what I have heard and I have heard it always.

Q He is not a fact that he is a prospected man, a non citizen, or a non-adopted citizen of the Delaware? A I always understood he was

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Albert A. Connor and Martha E. Connor - 3.

adopted.

Q He is a Mexican, not a Delaware by blood? A No, sir, I always understood he was Mexican but he was adopted.

Q How was he adopted? A Through treaty.

Q Through treaty with the Cherokees? A With the Delaware and the Cherokees.

Q You mean by a treaty, he was included in this list who came under this treaty with the Cherokees, but not adopted by the Delaware Council?

Q Yes, he was one of the original registered Delawares.

Q You just understood that, you don't know it of your own knowledge?

A I never saw it.

Q Could it be established? How do you understand he claimed his rights as a Delaware to start with? A Through being adopted by the Delaware.

Q Adopted by treaty with a Delaware? A No, sir, by treaty.

Q How do you understand he acquired his rights as a Delaware to start with, not as a Cherokee? A He was adopted in the Delaware Nation in treaty with between the Delaware and Cherokee Nations and the United States in Washington.

Q I am asking you another question: how did he originally get his status in the Delaware tribe before they came to the Cherokee Nation?

A As I understood it old man Connor bought him of the Council and adopted him and he raised him and had him adopted in his family.

Q You think he was adopted under Delaware law before he even traveled to Delaware? A Yes, sir, that is the way I understand it.

Q But you don't know just how? A I don't know just exactly how because I never paid any attention to it, but that is the way I understood it.

Mr. Allen: You don't know of your own knowledge that that is a fact? A No, sir, that is what I have understood.

Mr. Allen: Do you know whether or not Alexander Connor ever Delaware money before he arrived in this Delaware town, his claim was?

A No, I don't.

(Mr. E. B. Lawson, attorney for applicants, asks to be notified when the hearing of this matter of Martha E. Connor and her children is taken up by the Commission for final determination. His post office address is Omaha, I. T.)

Edward E. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and correct transcript of his stenographic notes thereof.

Edward E. Jones

Sworn to and subscribed before me this the 19th of October, 1890.

[Signature]

NOTED FOR ME.

PROBATOR COMMISSIONER

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DEPARTMENT OF
COMMISSION TO THE FIVE C
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Supl. D. D. #12

File with C. D. #610.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Fort Gibson, I. T. September 25, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ALBERT A. CONNER as a Cherokee citizen of Delaware blood; introduced
on part of Applicant:

APPEARANCES:

Mr. E. B. Lawson, Attorney for Applicant;
Mr. W. W. Hastings, for Cherokee Nation:

JOHN G. CONNER, being duly sworn by Commissioner Needles,
testified as follows, on behalf of applicant:

MR. LAWSON: State your name? A John Q. Conner.

Q How old are you John? A I am 57.

Q Are you a citizen of the Cherokee Nation? A Yes sir.

Q Delaware? A Delaware.

Q Do you know Aleck Conner? A Yes sir.

Q What relation if any, was Aleck Conner to you? A He was adopted
brother.

Q Whom was your father? A He went by the name of Captain John Conner.

Q Was he the Chief of the Delawares? A Yes sir.

Q Where did you first know Aleck Conner? A Up in Kansas.

Q What place? A I believe the place is now, that is about countie /
Leavenworth and Wyandott counties is now.

Q How old was he when you first saw him? A He was about 17.

Q Was he married? A No, sir.

Q Do you know how Aleck Conner got his rights in the Delaware tribe

A Well, all I know, my father told me so.

MR. HASTINGS: Only what your father told you? A Yes sir.

MR. LAWSON: Did you know Aleck Conner's first wife? A Yes
sir.

Q Do you know whether Aleck Conner drew money before he married his
first wife? A He drew money ever since I knowed him.

Q Well now go ahead and tell how he got his rights in the Delaware
tribe?

Mr. Hastings: Let me say this that if it is what his
father said from hearsay, I want to tell you now we want to object
to it.

MR. LAWSON: What I want is what he knows; tell what you know
about Aleck Conner getting his rights in the Delaware tribe?

A The way I knew he drew annuity money with the Delawares.

Q When? A Along about when he first come up there.

Q Did he draw money before he was married? A Yes sir he drew
money.

Q Was he a recognized Delaware before he was married to a Delaware
woman? A He was recognized as an adopted Delaware.

Q Who had him adopted? A The Council of Chiefs.

MR. HASTINGS: Now were you there present? (no response)

Q Do you know that yourself, is what I am trying to get at? A No
sir, I dont know right at the place, but I know he drew money.

MR. LAWSON: Before he was married? A Yes, sir.

Q How long did you first know him did he marry this Delaware woman?

A Why it was long about '66.

Q How long had you known him John, before he first married?

A I could not tell you just exactly, it was somewhere near '57.

Q Near about '57 and he married in '66, or about that time.

A Yes sir.

Q Some where near nine years then? A Yes sir.

Q Did you know Aleck Conner from the time you first saw him in

Kansas until the time of his death? A Yes sir I have known him all his life.

Q Do you know when Aleck Conner came to the Cherokee Nation?

A Come in '67.

Q With the balance of the Delawares? A With the balance of the Delawares.

Q Do you know whether or not he was one of the original Delawares that got his rights here in the Cherokee Nation?

A Yes sir, he was an original Delaware.

Q Is he the identical Aleck Conner that married this Martha E. Conner? A I dont know about this.

Q Mrs. Conner? A His last wife?

Q Yes? A Yes sir.

Q She was a white woman was she not? A Yes sir.

Q Was there any other Aleck Conner that came down here to the Cherokee Nation with the Delawares? A Not that I ever knew about.

Q Do you know where Aleck Conner came from to Kansas? A He come from Texas.

Q With whom? A Old man Conner.

Q Your father? A Yes sir.

Q Do you know whether or nothe got his rights by being adopted into the tribe or by intermarriage with a Delaware woman? A No sir he was adopted.

Q Then he didn't get his rights in the Delaware tribe by being married to this Delaware woman? A No sir.

Q He had his rights before he married her? A Yes sir.

MR. HASTINGS: Now, all you know about that is hearsay, aint it? A Hearsay?

Q Yes, you said you wernt present, didn't you, when they adopted him? A There was a good many I was.

Q You said just now you weren't present didn't you? (No response)

Q Say yes or no? A I was'nt present. I said I was'nt present.

Q Then all you know it is hearsay, what they told you?

A What my father.

Q What your father told you? A Yes sir.

Q You was'nt at that Delaware Council? A No sir I was'nt at the Council.

Q This Aleck Conner is a Mexican isn't he, part Mexican?

A I dont know what he is.

Q He is not a Delaware by blood is he? A No sir he is not.

Q Generally recognized as not to be of Delaware blood? A I could only say I suppose so, by hearsay.

Q Well he come from Texas up there, did he? A Yes sir.

Q How old are you? A I am 57.

Q How long before the war did he come from Texas? A Well along about '57.

Q Now he came down here with the Delawares, did he? A Yes sir.

Q To this Nation? A Yes sir.

Q Came down to the Nation with the Delawares? A Yes sir.

Q His wife at that time was a Delaware? A Yes sir.

Q She has died and he married a white woman? A Yes sir.

Q Is that the way of it? A Yes sir.

FILMORE SECONDINE, being duly sworn by Commissioner Needles testified as follows:

MR. LAWSON: State your name? A Filmore Secondine.

Q How old are you Filmore? A 57 last April.

Q Are you a citizen of the Cherokee Nation? A Yes sir.

Q Delaware blood? A Yes sir.

Q Did you know Aleck Conner during his life time? A Yes sir.

Q Where did you first get acquainted with Aleck? A First acquaint-

ance with him in Delaware Reservation.

Q Wyandotte County, Kansas? A Wyandotte County, Kansas.

Q How old was he at that time? A He was about 15 or 16.

Q With whom did you first see him? A He was with John Conner.

Q Chief John Conner? A Yes sir.

Q Do you know what relation he was to John Conner? A It was his son, adopted son called him son.

Q Do you know how Aleck Conner got his rights in the Delaware tribe?

A John Conner adopted him.

Q This Chief John Conner? A Yes sir.

Q Did you know Aleck Conner's first wife? A Yes sir.

Q Did you know Aleck Conner before he married his first wife?

A Yes sir.

Q Was Aleck Conner recognized as a Delaware before he married his first wife? A Yes sir.

Q Did he draw money with the Delawares before he married her?

A Yes sir.

Q Do you know whether or not he got his proportionate share of lands before he married? A Yes sir.

MR. HASTINGS: Wasn't that all made a matter of record when you drew money, your land money? A Yes sir.

MR. HASTINGS: Comes now the representative of the Cherokee Nation and object to all this testimony above by this witness and the other about the drawing of money and land by the applicant, Aleck Conner, for the reason that it is shown that this is a matter of record and the record is the best testimony, and that this was more than thirty years ago, and that a man's memory is liable to error and if the record is attainable it should be produced.

MR. LAWSON: How long did you know Aleck before he married this Delaware woman? A Five or six years I guess, or maybe more.

Q Do you know when Aleck came to the Cherokee Nation?

A Not exactly.

Q It must be about '54 or '55 along there.

Q I mean do you know about the time, I don't care anything about the year; did he come with the balance of the Delawares? A Long that is in '68.

Q He came here with the balance of the Delawares? A Yes sir.

Q Do you know whether he was one of the original Delawares who purchased his rights? A Yes sir he came in just same as I am.

Q Well did you know his wife at the time of his death? A Yes sir

Q What was her name, do you know? A That white woman.

Q Yes sir, Martha Conner, was it? A Yes sir.

Q Is this Aleck Conner you are talking about the identical Aleck Conner you first saw in Wyandotte County, Kansas, with Chief John Conner? A Yes sir.

Q Did he have his rights as a Delaware before he married his first wife? Yes sir.

MR. HASTINGS: When did you first see Aleck Conner?

A It is about '54 or '55, I don't know which.

Q Where did he come from? A Texas.

Q He is part Mexican, isn't he? A I believe he is full blood Mexican.

Q He isn't any Delaware Indian? A Yes sir.

JIM WILSON, being duly sworn by Commissioner Needles, testified as follows: On part of applicant:

MR. LAWSON: State your name? A Jim Wilson.

Q Your age? A 55

Q Where do you live? A Bartlesville, Coney.

Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.

Q How long have you been in the Cherokee Nation? A Ever since they done make a treaty with Washington.

Q 1867 or '8? A (no response)

Q Did you know Aleck Conner? A Yes sir.

- 4 -

Q Where did you first know Aleck Conner? A Down there where I come from.

Q Where did you come from? A Well he got old man Conner's family name, old man Conner he lived down there in Texas, and he fetched him from there.

Q To Wyandotte Co Kansas, was it? A Yes sir, that is where I come from.

Q Well, how old was Aleck at that time? A I dont know exactly.

Q Well, about how old? A I think he was about, I dont know, he was old for me, he was a big boy first I see him.

Q Was he married? A No sir.

Q How long after you first knew him did he get married? A I dont know exactly.

Q Well, about how long? A Well he married after the war.

Q Several years after the war? A Yes sir.

Q Was Aleck Conner recognized as a Delaware citizen before he married that Delaware woman? A Yes, well he got to draw money.

Q Draw money before he married this Delaware woman? A Yes sir.

Q Draw lands before he married her? A Yes sir.

Mr. Hastings: The Cherokee Nation moves to strike out all above testimony for the reason that the same is a matter of record and the record is the best testimony.

Commissioner Needles: Let the objection be noted.

MR. LAWSON: You state that he was recognized as a Delaware before he married this Delaware woman? A (No response)

Q How did he get his rights as a Delaware? A He got it from, I forget the name of that county.

Q Well tell us how he got his rights if you know? A Well he got his rights there as much as I got.

Q How did he get his rights, how did he first get to be a Delaware is what I want to know, Jim? A I can tell you that I thought all the time he was John Conner's son, he was too old for me I dont know.

Q Was he with John Conner up there in Kansas, old Chief John Conner? A Yes sir.

Q And you thought he was Chief John Conner's son? A Thats what I thought all the time, and Aleck Conner he told me was my father, and John Conner that same way, he say it was my son, he treat him the same as his own son.

Q Is he the identical Aleck Conner that married this white woman, Martha E. Conner? A (No response)

Q The Aleck Conner you are talking about and first knew up there with John Conner, is he the same man that came down here and married this Martha E. Conner? A Yes sir.

Q When he lost his first wife married to another woman? A Yes sir

MR. HASTINGS: Did you ever knew this man to be married more than twice? A I will change it, what was his first wife's name? A I dont know.

Q Was she a Delaware? A (no response)

Q Was she a Delaware? A Yes sir, she was a Delaware.

Q What became of his first wife, where is she? A First wife?

Q Yes? A Aleck Conner?

Q Yes? A Down there where I come from Kansas.

Q Left her there? A No, he come with her.

Q What become of her out here, is she living, is she dead, living or what? A She is dead.

Q When did she die? A Let's see--

Q Was she dead when he married this woman? A Yes sir.

Q Did he ever marry anybody else? A That's all I knew.

Q Never heard of her marrying anybody else? A That's all I know.

Q Never heard of her marrying anybody else? A No sir.

Q Did you ever knew that he was a Mexican? A I cant say that at all.

JOHN R. STOUT, being duly sworn by Commissioner Needles testified as follows: On part of applicant.

MR. LAWSON: State your name? A John R. Stout.

Q How old are you John? A Near about 55 along there.

Q You are a Delaware Indian? A Yes sir.

Q Recognized citizen here in the Cherokee Nation? A Yes sir.

Q Do you know Aleck Conner? A Yes I do.

Q Where did you first know him, John? A Up in Kansas.

Q What place? A At Leavenworth and Wyandotte City.

Q How old was Aleck Conner when you first saw him? A I could not answer that very well.

Q About, how old? A Well he is older than me, I am satisfied of that.

Q Did you know him before he was married to his first wife? A Yes sir.

Q He was living up in Kansas at that time? A Yes sir.

Q Well do you know whether he was recognized as a Delaware before he married his first wife? A Yes sir.

Q Did he draw money and lands before he was married? A Yes he come in just as well as we do, he drew 80 acres of land up in Kansas.

MR. HASTINGS:

Comes now the Cherokee Nation and moves to strike out the above answer and all testimony above to the effect of drawing money and land for the reason that the record is the best of testimony.

Com'r Needles: Let the motion be entered and question answered.

MR. LAWSON: How long did you know him before he married this woman several years was it? A Yes sir he was married before the war he left this woman home and went soldier.

Q Is he the same Aleck Conner that came down to the Cherokee Nation with the balance of the Delawares? A Yes sir, he bought 160 acres here just as I did.

Q He afterwards married Martha E. Conner, this wife he had at the time he died? A How is that?

Q I say he afterwards married Martha E. Conner, after the death of his first wife? A I forget the woman's name, first Alecks wife dead she is Delaware too.

Q His first wife is a Delaware? A Yes sir.

Q Second wife is a white woman? A I think so.

Q Do you know where Aleck was living at the time of his death? A Yes sir.

Q Where? A On Decar Creek.

Q In the Cherokee Nation? A Yes sir, in Coeweescoowee.

MR. HASTINGS: Aleck a Mexican? A Now you ask me something I could not tell, I could not answer.

Q You know he was not a Delaware? A Well, I know he has just got as good a sight as I have.

Q Then answer the question, do you know whether he was Delaware blood or not? A I could not say that.

Q What kin are you? A No relation at all.

Q None of his family? A No sir.

Q Well do you know whether he is of nDelaware blood or not? A I could not tell you that?

Q Dont you know that he is a Mexican? A I know old man Conner he always said he is my son.

Q How old are you? A Well, I guess I am near about 40 or 55 along there.

J. O. Reason being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly

- 6 -

recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. C. Rosen.

Subscribed and sworn to before me this 7th day of October 1901.

T. B. Needles,
Commissioner.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above and foregoing is a true and correct copy of the original transcript.

Eliza M. Loring

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It is from the collection of the Attorney General.
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it is the most complete and the most complete.

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File with Delaware D-12

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Cherokee D 610

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 5, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Martha E. Conner for the enrollment of herself and children as Cherokee citizens, said Martha E. Conner having been listed as a Cherokee citizen on Cherokee card No. D-610, and her children on Delaware card D12.

Appearances:

E.B. Lawson, Nowata, I. T., attorney for the applicants;
W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 14, 1902, that her application for the enrollment of herself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 5th day of March, 1902; receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: the 5th of March, 1902, appears by her attorney, E.B. Lawson, of Nowata, I.T.
BY COMMISSION OF ATTORNEY LAWSON: Have you any witnesses in this case? A No sir.

BY MR. LAWSON: I desire to file a certified copy of the record showing that Alexander Conner's name appears number 157 on that list of Delawares who came to the Cherokee Nation in 1867.

BY COMMISSION: It appears from the Registry, Allotment, Valuation, etc., Delaware Diminished Reserve, Treaty July 4th, 1866, that the name of Alexander Conner is found on page 14, number 157.

It is directed that copies of the supplemental testimony of date September 25, 1901, had in the matter of the application of the applicant's children, whose names appear upon Delaware card No. D-12, be filed with and made part of the record in the case of the applicant, Martha E. Conner, D 610.

The attorney for the applicant files a brief, which he desires to be considered both in the matter of the application of Martha E. Conner for enrollment as a citizen of the Cherokee Nation by intermarriage, and in the matter of the application for the enrollment of her children as Cherokee-Delawares.

BY COMMISSION OF MR. LAWSON: Do you submit the cases in behalf of the applicants? A Yes sir.

BY COMMISSION: The attorney for the applicants on behalf of the applicants and the representative of the Cherokee Nation on behalf of the Nation submit these cases to the Commission and same are ordered closed and reported to the Commission for final decision, based upon the evidence now of record.

I, M.E. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.E. Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. October 17, 1902.

In the matter of the application of Martha E. Conner for enrollment as an intermarried citizen of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

MARTHA E. CONNER, being sworn, testified as follows.

By the Commission,

Q What is your name? A Martha E. Conner.
Q How old are you? A Thirty-four.
Q What is your postoffice? A Sir?
Q What is your postoffice? A Coffeyville, Kansas.
Q Are you a white woman? A Yes, sir.
Q Are you claiming the right to be enrolled as a Cherokee citizen by intermarriage? A Yes, sir.
Q What is your husband's name? A Alexander J. Conner.
Q Is he living? A No, sir.
Q Was he a Cherokee by blood? A No, sir.
Q He was not? A He was a Delaware.
Q When were you married to him? A In '83.
Q '83? A Yes, sir.
Q How long had your husband lived in the Cherokee Nation before you married him? A He moved here in '68.
Q With the Delawares? A Yes, sir.
Q And lived in the Cherokee Nation all the time until he died?
A Yes, never lived anywhere else.
Q Are you his first wife? A No, sir.
Q He was married before he married you? A Yes, sir.
Q What was his first wife's name? A Elizabeth Thomas.
Q Was she dead when he married you? A Yes, sir.
Q Is that the only time he was ever married? A Yes, sir.
Q Had you ever been married before? A No, sir.
Q He's your first husband? A Yes, sir.
Q When did your husband die? A He died the 18th of May, '97.
Q Had you lived with your husband from the time when he married you in '83 up until his death? A I was separated once when I was sick, I went home and stayed until I got well.
Q Why did you go home? A My folks come and got me and took me home to take care of me.
Q Your husband was willing for you to go home? A Yes, sir, he come to see me every two or three days.
Q So you was never separated at all? A No, sir.
Q Have you married since your husband's death? A No, sir.
Q Have you been living in the Cherokee Nation always since '83?
A Yes, sir.
Q Never lived anywhere else? A No, sir.
Q Your postoffice is Coffeyville? A Yes, sir.
Q How far do you live from Coffeyville? A About sixteen miles.
The river is up all the time is why I don't get my mail at Lenapah.

By Mr. Starr,

Q You say your husband was a Delaware? A Yes, sir.
Q What's his name? A Alex Conner is what I always call him.

What's the name he went by.

Q Ain't he a Marleau? A Not that I know of,

By the Commission,

Q You say he came here with the Delawares? A Yes, sir.

Q And lived in the Cherokee Nation from that time up until he died in '97? A Yes, sir.

Q He always claimed to be a Delaware? A Yes, sir, he never was outside the Territory only when he went to Coffeyville to trade.

Q Did not claim any rights except as an adopted Delaware, did he?

A He claimed just the same rights as any other Delaware.

By Mr. Starr,

Q Did he claim to be a Delaware Indian? A That's what I always heard him claim that he was.

By the Commission,

Q Delaware Indian by blood? A That's all he ever claimed to me.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 14th day of November, 1902.

[Signature]
Notary Public.

Approved, J. Edgar Hoover, Director, FBI

[Signature]
Special Agent in Charge

[Signature]
Assistant Director

Enclosed for the Bureau are two copies of a letterhead memorandum dated and captioned as above. The letterhead memorandum is being furnished to the Bureau for its information and for its use in the event of a future investigation of the activities of the Communist Party, U.S.A., in the United States.

NOV 17 1950
COMMISSION TO THE UNITED STATES

Enclosed for the Bureau are two copies of a letterhead memorandum dated and captioned as above. The letterhead memorandum is being furnished to the Bureau for its information and for its use in the event of a future investigation of the activities of the Communist Party, U.S.A., in the United States.

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Before the Honorable Dawes Commission, at Muskogee, I. T.

In the matter of Martha E. Conner, Albert A. Conner, Annie E. Conner, Clara E. Conner, Ella W. Conner, Echo Conner and Johnnie H. Conner, applicants for enrollment as Citizens of the Cherokee Nation.

APPLICANTS BRIEF.

Alexander Conner was the husband of the applicant Martha E. Conner, and the remainder of the applicants herein were children of Alexander Conner and Martha E. Conner.

The name of Alexander Conner appears on the 1880 roll, and the names of Alexander Conner, Martha E. Conner, and the other applicants appear upon the 1896 roll; the name of Alexander Conner also appears on the Delaware register roll of February 18th 1867, the said register roll being the original roll of Delawares who came to the Cherokee Nation under the treaty between the Cherokee and Delaware tribes of Indians, and his name appears as number 157 on the said roll.

It is a disputed fact whether ~~8888~~ Alexander Conner was an Indian or a Mexican by blood, but the fact is not disputed and the proof shows conclusively that Alexander Conner was admitted into the Delaware Tribe of Indians when he was about 16 years of age, long before the said Alexander Conner ever married, and that prior to the marriage of said Conner to his first wife, the said Alexander Conner was recognized as a Delaware Indian and drew money and lands with the Delawares.

The proof shows that in the spring of 1868 the said Alexander Conner came to the Cherokee Nation under the said treaty between the said Cherokees and Delawares and has since resided in the said Cherokee Nation.

It is admitted that since coming to the Cherokee Nation the said Alexander Conner married a white woman, Martha E. Conner the applicant.

In the agreement between the Cherokee Nation and the Delawares made the 8th day of April 1867, it was agreed that each individual whose name appears upon the register made February 18th 1867 by the Delaware Agent, and on file in the office of Indian Affairs and who should remove to the Indian Country in accordance with said agreement, should have all the rights and privileges of the Citizens of the Cherokee Nation, a copy of which agreement can be found upon page 397 of the Laws of the Cherokee Nation of 1892, and we contend that the Cherokee Nation cannot now contest the rights of Alexander Conner.

Proof shows that the said Alexander Conner was recognized by the Cherokees under the 1867 agreement as a Delaware Indian, and that the

said Alexander Conner removed to the Cherokee Nation and paid for his rights in the said Cherokee Nation the same as the full blood Delawares did.

We would respectfully refer to the case of "THE CHEROKEE NATION AND THE UNITED STATES, APPELLANTS VS CHARLES JOURNEYCAKE, PRINCIPAL CHIEF OF THE DELAWARES, APPELLEE", which decision can be found in 155 U. S. SUPREME COURT reports page 120.

Attorney for appellants.

Department of the Interior,
Commission to the Five Civilized Tribes.

Tuskegee, I. T., May 3rd, 1903.

In the matter of the application of Martha E. Conner,
to be enrolled as a citizen of the Cherokee Nation
by adoption, Cherokee Doubtful No. 10.

And in the matter of the application of Albert T.
Conner, et al, to be enrolled as citizens of the
Cherokee Nation of Delaware blood, ex Delaware Doubtful No. 12.

BRIEF OF THE CHEROKEE NATION.

The testimony in this case shows that Martha E. Conner is the
wife of Alexander Conner, the father of these children; that she was
married to Alexander Conner in the year 1883; and the testimony of
numerous witnesses conclusively shows that Alexander Conner was not of
Delaware blood, and that his first wife was a Delaware, through
whom he acquired rights by adoption in the Delaware tribe. His first
wife died about 1883, and subsequent to that time, in the same year, he
married Martha E. Conner, the applicant, by whom he had the children
found in Delaware Doubtful case No. 12. Unquestionably Alexander
Conner was not of Indian blood, and it is quite clear that he derived
whatever rights he may have had through his marriage to his first
wife, and not of his own right. And the Cherokee Nation contends that
~~inexhaustible~~ he forfeited his right to citizenship in the Cherokee
Nation by his intermarriage with his second wife, just the same as any
other white man who had married a Cherokee Indian would.

It has never been the policy of the Cherokee Nation to permit
children to be enrolled who were not of Indian blood, although it has
been the policy to admit the husbands of Indian women to citizenship
in the Cherokee Nation for the purpose of securing jurisdiction over
them, and in order that they might better as agents of their families
protect their property rights. But Section 676 of the Code of Laws
of the Cherokee Nation of 1892, which provides for a forfeiture of the
rights of any intermarried person upon his marriage to a non-citizen
subsequent to the death or separation from his Indian wife, is an

old as the intermarriage law itself. This is based on good reason, as this case shows, which was to prevent the children of such a union who were not of Indian blood from being enrolled as such. The Cherokee intermarriage law provides for the granting of citizenship to a white man who marries a Cherokee, Delaware & Shawnee, but there is no provision for the granting of citizenship to a man who has simply married an intermarried person. And the testimony further shows that the rights of these people were disputed between the payments of 1890 and 1896, and that they were out of the Delaware roll.

No witness in behalf of the applicant testified that Alexander Golder was of Delaware blood. Some of them it is true did not know. But the testimony shows that he was a Mexican. All of the witnesses who testified and in their testimony show that they know the facts of which they testify state that he was not of Delaware blood, but was a Mexican. No testimony is introduced showing that he was admitted by the Delaware tribe except some inadmissible hearsay testimony objected to at the time, ~~that~~ which will certainly not be considered by the Commission.

If the Commission believes that Alexander Golder was not of Delaware blood, and only had rights in the first place through his marriage to his first wife, that after her death he married a white woman, we submit that the applicant, Martha E. Golder, on Cherokee Doubtful card 610, should not be enrolled as a citizen by intermarriage; neither should her children, who are white children with no trace of Indian blood flowing through their veins, on Delaware Doubtful Card No. 12, be enrolled.

Respectfully submitted,

Attorney for the Cherokee Nation.

Cherokee B. 610.

Delaware B. 12.

Brief of Cherokee Nation.

Cherokee D-610.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application for the enrollment of
Martha E. Connor as a citizen by intermarriage of the Cherokee Nation.

| | | | | | | | | | | | | | |

DECISION.

--:0:--

The record in this case shows that on October 16, 1900, Martha E. Connor appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment, among others, of herself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Nowata, Indian Territory, on October 19, 1900, and again at Muskogee, Indian Territory, on March 5, 1902, and October 17, 1902. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that Martha E. Connor was lawfully married on August 29, 1883, to one Alexander Connor, a Cherokee citizen whose name appears upon the list of registered Delawares who removed to the Cherokee Nation under the provisions of the Treaty of July 4, 1866, between the Delawares and the Cherokees, and who is identified on the Cherokee Authenticated Roll of 1880, as an adopted Delaware. Said Martha E. Connor is identified on the Cherokee Census Roll of 1896.

The evidence further shows that Alexander Connor died in 1897. Martha E. Connor lived with her said husband continuously in the Cherokee Nation from her marriage to him up to the time of his death. Since that time, she has resided in the Cherokee Nation, and had not remarried up to and including September 1, 1902.

It is the opinion of this Commission that Martha E. Connor should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is, therefore, so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this _____ 1902.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,

Vinita I T January 3rd 1903.

In the matter of the application of Martha E Conner ~~attorney~~ for enrollment as a citizen of the Cherokee Nation by intermarriage.
Cherokee D 610.

Protest of the Cherokee Nation.

Comes now the Cherokee nation and respectfully protests against the decision of the Commission rendered on December 10th 1902 and respectfully requests that same be forwarded to the Honorable Secretary of the Interior for review together with the brief filed by the Cherokee Nation in this case.

Respectfully submitted,

W W Hastings
Attorney for the Cherokee nation.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRICKNIELDOR.

ALLISON I. AYERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

HEREIN IN REPLY TO THE FOLLOWING

Cherokee D 610.

Muskogee, Indian Territory, December 20, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Martha E. Conner for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enclosure H. No. 424.

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRICKENRIDGE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-610

ALLISON L. AVERSWORTH
SECRETARY

Muskogee, Indian Territory, January 30, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of Martha E. Connor for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commission, dated December 10, 1902, granting said application, and the protest of the Cherokee Nation against said decision, dated January 3, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Acting Chairman.

(C O P Y)

Land
7706-1903.

D E P A R T M E N T O F T H E I N T E R I O R,
O F F I C E O F I N D I A N A F F A I R S ,

Washington, February 10, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith, a report from the Acting Chairman of the Commissioner to the Five Civilized Tribes, dated January 30, 1903, forwarding for the Department's consideration the record relative to the application of Martha E. Connor for enrollment as an intermarried citizen of the Cherokee Nation.

The attorneys for the Cherokee Nation and the attorney for the applicant filed Briefs and arguments, and on December 10, 1902, the Commission held that Martha E. Connor should be enrolled as a citizen by intermarriage of the Cherokee Nation and directed her enrollment. The Cherokee Nation protests against the Commission's decision.

The record in this case shows that Martha E. Connor was married to Alexander Connor on August 28, 1893; that Alexander Connor was of Delaware blood; and that he removed to the Cherokee Nation in accordance with the Cherokee-Delaware agreement of April 8, 1867.

The record in this case has a tendency to show that Alexander Connor was of Delaware blood; that this is disputed by the

Nation and the attorney for the Cherokee Nation in his brief takes the position that Alexander Connor was a Mexican. The record in the case of Martha E. Connor et al., for the enrollment of her minor children, which was transmitted to the Department February 3, 1903, showed that Alexander Connor was adopted as a citizen of the Delaware tribe prior to its removal to the Cherokee Nation.

Alexander Connor was first married to a Delaware woman; he lived with his Delaware wife until her death in 1883, and subsequently married Martha E. Connor. Alexander Connor died in 1897 and the record shows that this applicant lived with her husband in the Cherokee Nation from the date of their marriage to the date of his death; and that she has not remarried since his death.

Even if Alexander Connor did not have any Delaware blood, his status became the same as that of a native Cherokee when he removed to the Cherokee Nation in accordance with the provisions of the Cherokee-Delaware agreement above mentioned, he having theretofore married into the tribe.

In connection herewith, attention is respectfully invited to Department letter of December 16, 1902 (I.T.D.7540) in the John V. Kinney enrollment case.

In view of the foregoing the office is of the opinion that the decision of the Commission is correct and respectfully recommends its approval.

Very respectfully,

(Signed) A. C. TONNER,

G.A.W.(R)

Acting Commissioner.

D.C.52906-1906.

(C O P Y)

Y.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D.1422-1903.

November 28, 1906.

L.R.R.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In view of the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, appealed from the Court of Claims, the decision of the Commission to the Five Civilized Tribes of December 10, 1902, in favor of Martha E. Connor, applicant for enrolment as a citizen by inter-marriage of the Cherokee Nation, is reversed.

A copy of Indian Office letter of February 10, 1903 (Land 7706), submitting the papers, is enclosed. The papers have been returned to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 6 for Ind. Of.

REFER IN REPLY TO THE FOLLOWING

Cherokee
D 610.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 13, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application for the enrollment of Martha E. Connor as a citizen by intermarriage of the Cherokee Nation was reversed by the Secretary of the Interior November 28, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. W-18.
S.W.

Commissioner.

IN THE MATTER OF THE APPLICATION OF

Marion B. Cooper

Child of

- A Original testimony Oct 16/00
- B Memo of application Oct 16/00
- C Supplemental testimony Oct 19/00
- D Receipt for testimony
- E Notice of final consideration, 4/1/02

33-25-1309

Original given to the court

Cher D611

Samuel A. Ballard

Cher
D611

IN THE MATTER OF THE APPLICATION

Samuel A. Ballard

FOR ENROLLMENT AS

CHEROKEE CITIZEN

SUPPLEMENTAL D-811.

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I. T. November, 12th 1900.

In the matter of the application of Samuel A. Ballard for enrollment of himself and children as Cherokee citizens. SUPPLEMENTAL-SAMUEL A. BALLARD, being sworn testified before the Commission as follows:

Q What is your name? A. Samuel A. Ballard.
Q You are the applicant are you? A. Yes sir.
Q What is your age? A. 41.
Q What is your post office address? A. Nowata.
Q You may make any statement that you desire in regard to this matter.
A. I came back in 1898 and sowed some wheat on my farm in the Cherokee Nation, and staid three months, but I didnt move back until in the spring, the spring of 1899.

Freeman Ballard called as a witness, sworn and testified as follows

Q What is your name? A. Freeman Ballard.
Q What is your age? A. 37.
Q What is your post office address? A. Mayesville, Arkansas.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q What relation are you to Samuel A. Ballard? A. Brother.

By Mr. Ballard, the applicant:

Q I want you to state that I did not leave here for good.—No response.

By Mr. Hastings the Cherokee representative:

Q How far is Mayesville, Arkansas from the Cherokee line? A. Right close, only a few feet. There is a road that runs through the town that forms the line, it runs right by the porch.
Q Has Samuel A. Ballard been living in Mayesville? A. Yes sir.
Q What was he doing there? A. Staying in a mill there.

By the Commission—

Q Had his family with him there? A. Yes sir.
Q How long did he live there? A. Dont know exactly.

By Mr. Hastings—

Q Does he own any property in Mayesville? A. Yes sir.
Q The house and lot that he lived in while there? A. Yes sir.
Q Does he own any property in the Cherokee Nation? A. Yes sir, he has a farm here, always had it.

Q By Commission:

Q How far does he live now from the Arkansas and Cherokee line?
A About a quarter of a mile.
Q Then he only moved to Mayesville for the convenience to his work, he had always lived in the Cherokee Nation before had he? A. Yes sir.
Q Was he born and raised in the Cherokee Nation? A. Yes sir.

S. O. James called and sworn as a witness, testified as follows:

Q What is your name? A. S. O. James.
Q What is your age? A. 46
Q What is your post office address? A. Mayesville, Arkansas.

Q Are you a citizen of the state of Arkansas? A. No sir of the Cherokee Nation.

Q What do you know of Samuel A. Ballard residing in the state of Arkansas? A. Two years ago he was living there and working in a mill in Mayesville. He had been working in the mill before he left the Cherokee Nation and moved to Mayesville so as to be closer to his work and staid there something like a year or two. He had a farm over here all the time and received rents from it while he lived in Mayesville.

Q He voted over there in Arkansas didnt he? A. I couldnt say.

Q Do you know that he voted over in the Indian Territory? A. Yes sir.

Q How far does the Territory line lay from were he lived? A. The town is right on the line.

H. C. Ballard, called and sworn as a witness and testified as follows

Q What is your name? A. H. C. Ballard.

Q What is your post office address? A. Vinita.

Q Do you know the applicant here, Samuel A. Ballard? A. Yes sir.

Q He is your brother is he not? A. Yes sir.

Q What do you know about his being a resident of the State of Arkansas? A. I know that he was living on a farm in the Territory and was working in a mill and to be closer to his work he moved to Mayesville Arkansas which is right on the line. He has since then moved back here. Think he moved here some two years or so ago.

Q In the year 1898 he was in Arkansas was he not? A. Yes sir I think so. He was in this country some of the time in 1898 and broke some land and put in a crop of wheat and then went back to Mayesville and staid until the next spring and moved here with his family.

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes in said cause.

Subscribed and sworn to before me this the 13th of November, 1900.

Commissioner.

A611

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
NOWATA, I.T., OCTOBER 16th, 1906.

IN THE MATTER OF THE APPLICATION OF Samuel A. Ballard, for the enrollment of himself, his wife and children as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A Samuel A. Ballard.
Q How old are you? A Forty one.
Q What is your Postoffice? A Nowata.
Q What district do you live in? A Cowlesdown.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A By blood.
Q What degree of blood do you claim? A One fourth.
Q Whom do you desire to enroll? A Myself and family.
Q What is the name of your wife? A Minnie Ballard.
Q Is she a white person? A Yes sir.
Q When did you marry her? A In 1888.
Q Have you a certificate of marriage? A Yes sir.
Q The applicant presents a duly certified marriage license and certificate, certifying that he was married to one, Minnie Potts, a white person, on the 3rd day of December, 1888, according to the laws of the State of Arkansas.
Q What are the names of your children? A Goldie is the oldest one.
Q How old is she? A Fourteen.
Q Next one? A DeAuburn.
Q How old is he? A Eleven.
Q What is the name of the next one? A Guy Raymond.
Q How old is he? A Six months.
Q Any other child? A No sir.
Q How long have you lived in the Cherokee Nation?
A All my life except five years.
Q Is your name on the roll of 1880? A Yes sir.
Q Is Minnie Potts your first wife? A Yes sir.
Q Are you her first husband? A Yes sir.
Q Are these children all living and living with you at this time?
A Yes sir.
Q (1880 Roll, Page 227, #297, Sam Ballard, Delaware District)
Q (1896 Roll, Page 438, #258, Sam Ballard, Delaware District)
Q (1896 Roll, Page 546, #65, Minnie Ballard, Delaware District)
Q (1896 Roll, Page 258, #258, Goldie Ballard, Delaware District)
Q (1896 Roll, Page 438, #260, Deauburn Ballard, Delaware Dist)
Q Have you any proof of birth as to this youngest child? A Yes sir.
Q You say you have been out of the Territory? A Yes sir.
Q For how long? A I lived out about five years.
Q Where? A In Arkansas.
Q How long ago was that? A I moved back two years ago.
Q Where were you born? A Born in the Cherokee Nation.
Q Do you understand you to say that you lived in the Cherokee Nation until five years ago? A Yes sir.
Q Then moved to the State of Arkansas and moved back about two years ago? A I moved back last March, a year ago.
Q Have you ever been readmitted by the Cherokee Council? A No sir.
Q Was your family with you? A Yes sir.
Q Were you living here in 1898; three years ago? I was living in Arkansas I guess.
Q Did you become a citizen of the State of Arkansas? I claimed this as my home I always voted here.
Q Did you ever vote in Arkansas? A Yes sir.
Q Did you have property here all the time? A Yes sir.
Q What degree of blood have you? A One fourth.

The name of Samuel Ballard A. Ballard appears upon the

authenticated roll of 1890, as well as the census roll of 1896, as Sam Ballard. He presents satisfactory proof of marriage to one, Minnie Potts, a white person, in 1883, and her name appears upon the census roll of 1896, as Minnie Ballard. The names of his children, Goldie and Delaburn Ballard appear upon the census roll of 1896, and he presents satisfactory proof of the birth of his youngest child, Guy Raymond, six months of age, whose name does not appear upon the census roll of 1896.

He states that he was born in the Cherokee Nation, and lived here until about seven years ago, when removed to the State of Arkansas, and there became a citizen. He returned to the Cherokee Nation about the year 1899, and has lived here continuously since. He also avers that he held property in the Cherokee Nation during the said time. He and his wife and children are all identified according to the page and number of the rolls, as indicated in the testimony, but by reason of his removal to the State of Arkansas, and not being a resident of the Cherokee Nation at the passage of the law known as the Curtis Bill, final judgment as to his enrollment will be suspended; and his name, and the names of his children, Goldie, Delaburn and Guy R. will be placed upon a doubtful card, as Cherokee citizens by blood; and the name of his wife, Minnie Ballard as a Cherokee citizen by intermarriage.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

A. A. Chaitner

Subscribed and sworn to before
me this 17th day of October, 1900.

[Signature]

COMMISSIONER.

DEPARTMENT OF THE ARMY
COMMISSION TO THE ARMY CHIEF OF STAFF
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Cherokee B. 611

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 3, 1902.

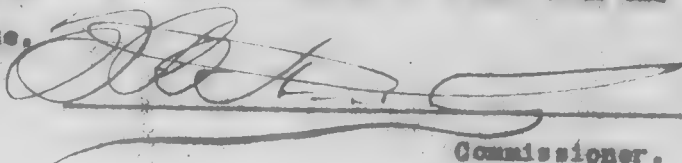
In the matter of the application of Samuel A. Ballard, et.al.
for enrollment as Cherokee citizens.

Supplemental Statement.

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From a birth affidavit duly executed on the 13th day of October, 1900, and received by this Commission on the 16th day of October, 1900, it appears that Guy R. Ballard was born on the 26th day of April, 1900, and was living at the date of the execution of said affidavit. The same has been approved and filed with this Commission.

It is directed that copies of this statement be filed with the testimony in the above case.


Commissioner.

SECTION 1

1906

FILED

SECTION 2

IT IS ORDERED THAT THE

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AND

RECEIVED
MAY 23 1902

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 16, 1902.

In the matter of the application of SAMUEL A. BALLARD, for the enrollment of himself and his children, GOLDIE, DE AUBURN and GUY R. BALLARD, as citizens by blood, and his wife MINNIE BALLARD, as a citizen by intermarriage, of the Cherokee Nation:

MINNIE BALLARD, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A Minnie Ballard.
- Q What is your age at this time ? A Thirty six.
- Q What is your post office ? A Nowata.
- Q Are you an applicant for enrollment as an intermarried citizen of the Cherokee Nation ? A Yes sir.
- Q What was your husband's name ? A Samuel A. Ballard.
- Q Is he living ? A No sir.
- Q When did he die ? A October 2, 1899.
- Q Was he a citizen by blood of the Cherokee Nation ? A Yes sir.
- Q When were you married to Samuel A. Ballard ? A In 1885.
- Q Were you ever married prior to your marriage to him ? A No sir.
- Q Was he ever married prior to his marriage to you ? A No sir.
- Q Did you and Samuel A. Ballard live together from the time of your marriage up to his death ? A Yes sir.
- Q You never did separate ? A No sir.
- Q Were you still a widow and a single woman on the first day of September, 1902 ? A Yes sir.
- Q Have you lived in the Cherokee Nation all the time since your marriage to Samuel A. Ballard in 1885 up to the present time ? A No sir, I went to Arkansas.
- Q When did you go to Arkansas ? A I don't know the date.
- Q What year ? A Seven or eight years ago since I came back. We lived there five years, and we have been out of there four years in the spring. We moved back to the Cherokee Nation four years ago this coming spring; and we lived over there in Arkansas five years.
- Q Four years ago this coming spring would make it the spring of 1899 when you came back here, wouldn't it ? A Yes sir, we lived there five years.
- Q Then did you go to Arkansas before the Strip Payment, or after ? A Before.
- Q Did you draw in the Strip Payment ? A Yes sir.
- Q You drew that after you moved to Arkansas ? A Yes sir.
- Q You stayed there five years ? A Yes sir, I think it was.
- Q Where were you in 1898 ? A In Arkansas.
- Q You want to be sure about it ? A Well, you can count back. We lived there five years, and we have been out of there three years last spring.
- Q Are you sure about that ? A Yes sir, I just didn't have the date.
- Q Are these children, Goldie, De Auburn and Guy R., your children by your husband Samuel A ? A Yes sir.
- Q Are these children all living at this time ? A Yes sir.
- Q Has their residence been the same as yours ? A Yes sir.
- Q They went to Arkansas with you ? A Yes sir.
- Q And came back when you did ? A Yes sir.

Q You never had any residence here while you were in Arkansas ?
You never had any home here while you were in Arkansas ?

A All the time we did.

Q What did you have, a farm ? A Yes sir.

Q What did you go to Arkansas for ? A Well, my husband had business across the line, and we moved barely over across the line. You could almost throw a pebble from one place to the other. He was residing right on the line, right across the line, and I lived on the Arkansas side when I was a girl, and was married there.

Q Well, what business was your husband in when you were living in Arkansas ? A He was in a store part of the time, and part of the time in a flour mill.

Q And the store and the flour mill were both on the Arkansas side of the line ? A Yes sir.

Q What town ? A Maysville, Arkansas.

Q And while he was in the store and in the mill, you and him lived in the town of Maysville, Arkansas ? A Yes sir, we were across the line so we could be closer to his work.

Q How close was your farm to the town of Maysville ?

A A mile and a half.

Q All the time you were in Maysville you never lived on the farm ?

A No sir, we had it rented, and attended to the farm.

Q You kept house on the Arkansas side ? A Yes sir.

B. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilised Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

B. C. Bagwell.

Subscribed and sworn to before me this November 17, 1902.

B. C. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Minnie Ballard and her minor children, Goldie Ballard, DeAuburn Ballard and Guy R. Ballard for enrollment as citizens of the Cherokee Nation.

The applicant Minnie Ballard claims citizenship in the Cherokee Nation by adoption through marriage to Samuel A. Ballard, a Cherokee by blood. Goldie Ballard, DeAuburn Ballard and Guy R. Ballard claim Cherokee citizenship as citizens by blood being the issue of the marriage of the first named applicant to Samuel A. Ballard.

That Samuel A. Ballard was a citizen by blood of the Cherokee Nation - that Minnie Ballard was lawfully married to Samuel A. Ballard and thereby became an adopted citizen - that Goldie, DeAuburn and Guy R. Ballard are Cherokees by blood are facts undenied.

In the matter of the enrollment of these parties the Cherokee Nation now contends that Samuel A. Ballard and family lost their Citizenship in the Cherokee Nation by withdrawal from the Nation.

The record shows that Samuel A. Ballard was an Indian by blood, a native of the Cherokee Nation and that he lived in said Nation all his life up to 1894; that he moved to Hayesville, Ark. in 1894 and remained in said town about five years; that during said five years he owned property in the Cherokee Nation, remained in ownership and control of the same, voted at the Cherokee elections and kept up his tribal relations with the tribal government; that his name is on the 1880 roll, and on the 1896 census roll; that he was lawfully married to Minnie Ballard December 10 1885; that her name appears upon the census roll of 1896; that Goldie and DeAuburn Ballard are identified by the 1896 census roll; that Guy R. Ballard was born subsequent to the '96 roll and is properly identified by birth affidavit.

A

Sammuel A. Ballard died October 8 1901 and his application, for this reason, was properly dismissed. From letter to the Secretary of the Interior from the Office of Indian Affairs dated at Washington Feb. 15 1903 relative to present case we quote as follows, "Sammuel A. Ballard was born within the limits of the Cherokee Nation, and the rights of the other applicants (Minnie Ballard, and the miners, Goldie, DeAnburn, and Guy R. Ballard) depend upon whether he would be entitled to enrollment as a citizen of the Cherokee Nation, if living." This proposition we assume to be correct, as the same is also held in the Milan C. Smith case.

(See letter of Commissioner W.A. Jones to the Commission to the Five Civilized Tribes, dated at Washington, Jan. 24 1903.)

In support of the contention of the Cherokee Nation in the case at bar the following from Section 21 of the Curtis Bill has been cited, to wit - "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

The applicants suggest that this law is powerless to deprive them of their rights as citizens of the Cherokee Nation, and that it has no application to natives of the Indian Territory who are carried on the tribal rolls, who own improvements, claim the Territory as their home, and maintain their tribal relations, but only aims at such Indians as refused to join in the original removal to the Indian Territory and who have since that time neglected to join their brethren in the settlement and up-building of the Indian Territory. In support of this we cite the decision in the Yeargain Case, from which the following is taken:

 ***** The applications were made to the Commission to the Five Civilized Tribes which found and states the ultimate facts to be that :

Cherokee and are identified as such on the 1880 authenticated roll of the Cherokee Nation. They are also identified on the following rolls of said Nation: the 1885 roll; the 1886 pay roll; the 1890 census roll; the 1894 strip payment roll and the 1896 census roll. The said Ida C. Yeargain is identified in the 1896 census roll as the wife of Scott A. Yeargain. Majorie C. Yeargain is too young to appear upon any of the tribal rolls, but is identified by a birth affidavit on file with the commission.

.....
The evidence further shows that the said Scott A. Yeargain resided in the Cherokee Nation all his life up to 1896, and that Joseph D. Yeargain resided in said Nation for about twenty-five years immediately preceding the year 1895. The said Joseph D. Yeargain and Scott A. Yeargain have been prominent residents of Southwest City, Missouri, from 1895 and 1896 respectively up to and including the date of the application herein; and Majorie C. Yeargain being a minor is presumed to have resided with her father.

The evidence submitted as part of the proceedings of the commission shows further that Joseph D. Yeargain owns a mill and two stores in Southwest City, Missouri, close to the line of Indian Territory, and the brothers ~~own a farm and two stores~~ own a store and two farms in the Indian Territory, which they actively conduct and where they keep considerable stock and personal property; that Joseph D. Yeargain voted in Missouri at the last presidential election, but not at any other election; that he has also voted in the Territory at all Territory and tribal elections, and was elected in 1896 to the senate of the Indian Nation and served in that body from the Delaware District, and is unmarried and without a family.

Scott A. Yeargain was married to a white woman Feb. 2 1895, at his father's in the Territory, by an Indian Nation official, clerk of the Delaware District. At that time he intended to take residence on the farm owned by himself and brother near their father, but the house burned and after intending to rebuild that intent and went a few weeks later, with his wife to Southwest City to clerk in his brother's store, and has since kept house there where their child Majorie was born. He has voted there at city election as well as at the last presidential election,....

.....

In my view these facts do not justify the finding of the ultimate facts made by the Commission to the Five Civilized Tribes as to the severance ~~of~~ to the tribal relations nor warrant the rejection of the applicants for enrollment. The applicants ~~was~~ were native born citizens of the Cherokee Nation and were born on the roll of Cherokee citizens of 1880. Section 21 of the act of June 28 1898(30 Stat. 495,502 -34) provides:

That in making rolls of citizenship of the several tribes as required by law the Commission to the Civilized Tribes is authorized and directed to take the roll of Cherokee Citizens of 1880 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settle in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the rights of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws.

.....

Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes.

.....

No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship. . . .

This act clearly confirms the Cherokee roll of 1880 as authentic, subject, however, to correction by exclusion of those who had not theretofore " removed to and in good faith settled in the nation in which he claims citizenship." As to rolls of other tribes, the commission was authorized to make correct rolls of citizens, " eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right

thereof," but such scrutiny of the 1891 Cherokee roll is obviously excluded by its being expressly confined and by its provisions being limited to the rolls of the "other tribes". The applicants being native-born citizens, born on the Cherokee roll of 1890 are therefore entitled to enrollment, unless they forfeited their citizenship or are within the third provision that "No person shall be enrolled who has not hereto been removed to and in good faith settled in the nation in which he claims citizenship."

The purpose of this provision is clearly seen when read in the light of the history of the Cherokee nation. The Cherokee Nation has divided. One part remained in their old seats and one removed to new homes in the west. The government and the Eastern Cherokees, or Cherokee Nation, have continually held out the invitation to the Western band to join their western brethren. The western band had not done so and yet claimed all the benefits of membership in the nation to whose strength and development they contributed no active cooperation. In this subject the Supreme Court, in *Eastern Band of Cherokees, vs. United States*, (114 U.S. 286 - 311), said of the eastern band:

They can not live out of the Territory, evade the obligations and burdens of citizenship, and at the same time, enjoy the benefits of the funds and common property of the Nation.

It was therefore against those who had never identified themselves with the nation and those who had withdrawn themselves from the Indian people that this provision of the statute was aimed. It was for the protection of the Cherokee people and in harmony with the provisions of the Cherokee constitution. That instrument defines how Cherokee nationality shall be lost or forfeited, viz,

That whenever any citizen shall remove with his effects out of the limits of the nation and become a citizen of any other government all his rights and privileges as a citizen of this nation shall cease.

There are three elements clearly defined which must concur to effect forfeiture of nationality or complete expatriation - viz removal of the person, coupled with removal of all effects and

property, and acquisition of another nationality by assuming the obligations of citizenship there. In these tests and for their construction there is also another implied but not mentioned - viz: the intent with each case to be done, for if all property and the person were for some temporary purpose removed from the nation, and if each were done which might bear the construction of ~~abolishing~~ assuming obligations of citizenship in another community - or voting there, for instance - yet if the removal of person and property were for some temporary purpose and with intent to return, and the acts by living in assumption of duties of citizenship elsewhere and so each person, then the change of citizenship would not follow.

Applying such tests to the facts in the present case, it is clear that the ~~foreigners~~ ~~had not~~ their Cherokee nationality. They even retained considerable of their personal property in the Cherokee nation, contributing to its development in its material development. They even retained their possessions and act of improvements upon that part of the national lands that they had before going into business in Missouri. They each continued active in the governmental organization of the Cherokee nation by voting in all the Cherokee elections. And, and so: withdrawn from active participation in the national affairs.

That the act of voting in Missouri is, Missouri is, fact: that it is not an intent but it is to abandon Cherokee nationality, it is not alone suggestive proof of such intent, and there is consideration with other facts only show a violation of the laws of Missouri, not a loss or voluntary severance of Cherokee nationality.

In support of the opinion that the application of Joseph ~~McGowan~~ ~~and~~ ~~McGowan~~ were erroneously denied, and that they are entitled to be considered as citizens of the Cherokee nation.

In view of the opinion that ~~Joseph~~, intent still of ~~McGowan~~ is entitled to be considered as a descendant of ~~McGowan~~

as or as (the testimony of J. S. Ballard)

The same can be found in the testimony of J. S. Ballard, who states that, (continued) all residing in a town in Oklahoma, he had been sworn in by the Civil Service to help the Cherokee people and acted as such as to be sworn to his oath. (The testimony of J. S. Ballard)

The testimony of the witnesses above mentioned corroborate the statements of Samuel J. Ballard as to his ownership and control of property in the State and as to his participation in Cherokee activities during his residence at Sapulpa, Oklahoma. The testimony as above shows anything like abandonment of tribal relations.

In testimony of the Cherokee constitution, as found in Sec. 2 of Art. I. "Whenever any citizen shall remove with his effects out of the limits of this nation and become a citizen of any other government, all his rights and privileges as a citizen of this nation shall cease." The evidence in the foregoing evidence to which reference is a totally correct. The evidence of evidence showing general title, No. 1, 1906, - Eighth Annual Report of the Commission to the Five Civilized Tribes to the Secretary of the Interior, p. 101.

Samuel Ballard did not move his effects out of the limits of the Cherokee nation, as far as the testimony goes. Being an Indian he could not have changed his citizenship, without naturalization.

It is shown that...

Article 2 of the Constitution all above referred to, in part provides

That in making rolls of citizenship, of the several tribes as required by law the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1890 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon.

Complete execution of the above law is set forth in the foregoing evidence. The Cherokee authorities must have assumed and held that activity, as well as registration upon the 1890 roll

is cogent evidence of citizenship. Attention is called to the fact that Samuel J. Ballard and family are accounted for as citizens on the 1890 census roll although they were at that time living in Kansas.

In support of the contention of the applicants that their residence should not and did not effect a cessation of their rights attention is again called to the Allen case with case referred to above, in which it was contended that the rights of the applicant depended upon the citizenship of her father Granville Baker. In that case Granville Baker came from Kansas to the Cherokee Nation in 1869 and was admitted as a citizen by blood - did not establish a permanent residence here as far as the decision discloses, was back and forth between Arkansas and the Nation from 1869 to 1875, was married in Kansas in 1875 and died in Kansas in 1876. Shortly after her father's death the applicant was born and remained in Arkansas until 1883 when she came to the Cherokee Nation. To that time she had no connection with the tribe except that her father was an Indian and she was carried on his rolls. She was never adjudged entitled to enrollment. In the light of that case the applicants in the case at bar are entitled to enrollment - the minors, Alice, Auburn and my . Ballards are at least.

In connection with this case see also letter to the Secretary of the Interior from Office of Assistant Attorney General, April 16 1897, in case of William J. Carey, claimant for citizenship, in the Cherokee Nation.

family

Samuel J. Ballard at the time they moved from their home in the Cherokee Nation to Mayeville, Ark. were bona fide citizens of the Cherokee Nation enjoying all the privileges and immunities of citizens of said Nation. On moving across the Kansas line they did not take all their effects with them. They did not become citizens of the state of Kansas. They did not sever their tribal relations, but were even placed upon the 1890 census roll while they were in Kansas. They could not have been regarded as intruders in going back to their possessions in the Cherokee Nation.

The deprivation of ~~property rights~~. ^{Property} rights is penal in its nature, in derogation of common rights and the common law.

The applicants once had undisputed rights. The burden of proof now rests upon the Cherokee Nation to show that these rights ever ceased, were ever abandoned, or ever forfeited.

Section 2 of Art. I. of the constitution of the Cherokee Nation fixes three concurrent conditions all of which must be fulfilled before the "cease" of rights occurs, to wit,

1. Removal of the person.
2. Removal of the effects out of the limits of the Nation.
3. Becoming a citizen elsewhere.

The penalty for committing these three acts is in the language of the constitution that "all his rights and privileges as a citizen of this nation shall cease." Putting aside the discussion as to whether Samuel J. Ballard should have been treated as an intruder upon his entrance into the Cherokee Nation after having once crossed the Arkansas line, the fact is that he never ceased even during his residence in Arkansas to exercise all the rights he enjoyed as a citizen of the Nation both before and

after. He moved to Arkansas and for two years after he returned to the Nation. *This law if it was applied to him would have been away and not apply to him.*

If Samuel J. Ballard had fulfilled the three concurrent conditions necessary to effect a "cease" of rights, probably his holdings would have escheated to the Nation, provided he had been forbidden to control his holdings here, and the Nation had called for a forfeiture. But in the absence of affirmative action on the part of the Nation until after the conditions of which it might complain had ceased to exist what is the situation?

When a forfeiture is provided for, the forfeiture is incomplete without affirmative action on the part of the complainant.

11

Samuel A. Ballard was an Indian by blood , a native of the Cherokee Nation ,identified on the authenticated rolls. His tribal relations were never abandoned and never severed. Minnie Ballard was his lawful wife and through marriage to him became a citizen of the Cherokee Nation by adoption. Goldie Ballard, Deauburn Ballard and Guy R. Ballard are the issue of this marriage.

The applicants insist that the said Minnie Ballard is entitled to enrollment as an adopted citizen of the Cherokee Nation, and that the minors, Goldie, Deauburn, and Guy. R. Ballard should be enrolled as citizens of the Cherokee Nation by blood.

Respectfully submitted,

In the matter of
the application of
Minnie Bellord,
et al, for
enrollment as
citizens of the
Cherokee Nation.

Copy
Brief in behalf
of
applicants

Wm. H. H. H.
attorney for
applicants

Cherokee D-611.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Samuel A. Ballard,
Goldie Ballard, DeAuburn Ballard and Guy Raymond Ballard as citizens
by blood, and for the enrollment of Minnie Ballard as a citizen by
intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on October 16, 1900, Samuel A. Ballard appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of himself and his minor children, Goldie, DeAuburn and Guy Raymond Ballard as citizens by blood, and for the enrollment of his wife, Minnie Ballard, as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Claremore, Indian Territory, on November 12, 1900, and again at Muskogee, Indian Territory, on October 15, 1902.

The evidence shows that Samuel A. Ballard was a citizen by blood of the Cherokee Nation, and is identified on the Cherokee Authenticated Tribal Roll of 1880, also the Cherokee Census Roll of 1896. His wife, Minnie Ballard, to whom he was lawfully married on the 10th day of December, 1885, is identified on the Cherokee Census Roll of 1896. The minor children, Goldie and DeAuburn Ballard, are also identified on the Cherokee Census Roll of 1896. Guy Raymond Ballard is identified by a certificate of birth, made a part of the record herein.

The evidence further shows that Samuel A. Ballard lived in the Cherokee Nation continuously until 1894, at which time he removed, with his family, to the State of Arkansas. He exercised the right of suffrage in said State, and they did not remove back to the Cherokee Nation until March, 1899. It is further shown that Samuel A. Ballard died on October 2, 1901, as evidenced by an affidavit of death, made a part of the record herein.

Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495) provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of Goldie Ballard, DeAuburn Ballard and Guy Raymond Ballard as citizens by blood, and Minnie Ballard, as a citizen by intermarriage of the Cherokee Nation, should be denied, and it is so ordered.

It is further ordered that the application for the enrollment of Samuel A. Ballard as a citizen by blood of the Cherokee Nation be, and the same is hereby, dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Dated at Muskogee, Indian Territory,

Commissioner.

this _____

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPLY IN REPLY TO THE FOLLOWING

Cherokee D-611

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 23, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 15, 1903, rejecting the application of Minnie Ballard for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her children, Goldie, DeAuburn and Guy R. Ballard, as citizens by blood of said Nation, and dismissing her application for the enrollment of her husband, Samuel A. Ballard, he having died October 2, 1901.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,



Acting Chairman.

Enc. M-2110

Refer in reply to
the following:

Land
6300-1903.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Washington, Feb'y. 13, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith report from the Acting Chairman of the Commission to the Five Civilized Tribes, dated January 23, 1903, forwarding, for the Department's consideration, the record relative to the application of Minnie Ballard, for the enrollment of herself as a citizen by intermarriage, and the enrollment of her husband, Samuel A. Ballard, and three minor children, Goldie, DeAuburn and Guy R. Ballard, as citizens by blood of the Cherokee Nation.

January 15, 1903, the Commission held that the applicants above named, except Samuel A. Ballard, were not entitled to enrollment as citizens of the Cherokee Nation, and Samuel A. Ballard having died October 2, 1901, the Commission dismissed the application as to him.

The record in this case shows that Samuel A. Ballard was a citizen by blood of the Cherokee Nation; that his name appears on the 1880 tribal roll, and also on the 1896 Census roll. He was lawfully married to Minnie Ballard on December 10, 1885. Her name appears on the Census roll of 1896.

Geldie and DeAnburn Ballard are identified by the 1896 Census roll. Guy R. Ballard was born subsequent to the date of said roll, and is properly identified by a birth affidavit.

The record further shows that Samuel A. Ballard lived in the Cherokee Nation until 1894, at which time he removed, with his family, to the State of Arkansas. He voted in that State and did not return to the Cherokee Nation until March 18, 1899.

The Commission quote from section 21 of the Curtis act, as follows:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship and held, as above stated, that the applicants were not entitled to enrollment.

Samuel A. Ballard was born within the limits of the Cherokee Nation, and the rights of the other applicants depend upon whether he would be entitled to enrollment as a citizen of the Cherokee Nation, if living.

In connection with this case attention is invited to Department letter of January 24, 1903 (ITD 8032), in the Kilam C. Smith case. In that case the Department held that "the mere fact that he was absent from the country for a space of possibly two years immediately prior to his death is not sufficient to justify the conclusion that he had abjured his citizenship."

The office understands from this holding that it is incumbent upon the Cherokee Nation to show that the applicant did, in fact, become a citizen of some other government. The Cherokee Constitution

declares that a citizen forfeits his rights of citizenship by removing from the Nation with his effects and becoming a citizen "of any other government."

The Act of Congress approved February 8, 1887, (24 Stats., 388-390), provides that-

"every Indian born within the territorial limits of the United States to whom allotments shall have been made under the provisions of this act or any law or treaty, and every Indian born within the territorial limits of the United States who has voluntarily taken up within said limits his residence, separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, immunities of such citizens, ~~whether said Indian has been or not, by birth or otherwise, a member of any tribe of Indians within the territorial limits of the United States without in any manner impairing or otherwise affecting the right of any such Indian to tribal or other property.~~"

Assistant Attorney General Little, in an opinion dated September 10, 1896, said: "I am therefore of the opinion that the freedmen of the Cherokee Nation could only become citizens of the United States by naturalization, or by putting themselves within the provisions of the Act of February 8, 1887, (supra.), and in the latter event would not thereby be deprived of participating in the distribution of the fund awarded by the judgment of the Court of Claims aforesaid."

Samuel A. Ballard exercised the right of suffrage in the State of Arkansas. There is nothing in the record which shows that he took the oath of allegiance to the United States Government, and unless by removing to the State of Arkansas and adopting the habits of civilized life he became a citizen of that State, he did not have the right to vote within the limits of the State. The act of voting,

-4-

the office does not believe, is of itself sufficient to declare that he became a citizen of the State of Arkansas, and thus expatriated his citizenship in the Cherokee Nation. Even if he did become a citizen of the State of Arkansas, under the provisions of the act of 1867 he did not, under the holding of Assistant Attorney General Little, lose his right to participate in the distribution of the Cherokee property, unless such right has become barred by legislation enacted subsequent to the date of that opinion.

The only law enacted since June 10, 1896, that would have any tendency to bar Samuel A. Ballard's right to enrollment is that contained in the Curtis Act quoted by the Commission, and the office does not believe that it was the intention of Congress to prevent Cherokee or other citizens from enrollment who had prior to the date of said act established a residence in the Cherokee Nation, and who had also previous to said date removed from the Nation. Section 8 of the act of February 8, 1867, specifically declares that its provisions shall not extend to the Territory occupied by the Cherokee, Creek, Choctaw, Chickasaw, Seminole and other tribes mentioned therein. It may be that the provisions of the act are applicable to the citizens of the Cherokee Nation who removed from the Nation and adopted the habits of civilized life but, even if they are, under the holding of Assistant Attorney General Little, Samuel A. Ballard, if living, would not be barred from enrollment unless barred by the provisions of the Curtis act. Section 21 of the Curtis act specifically declares that all Cherokee citizens whose names appear on the 1860 roll

-4-

shall be enrolled as citizens of that Nation and, in view of the foregoing, and considering that the record does not show that Samuel A. Ballard removed from the Cherokee Nation and became a citizen of the State of Arkansas, this office is of the opinion that he would be entitled to enrollment as a citizen of the Cherokee Nation if living. If the position of this office is correct, his wife and minor children are entitled to enrollment. It is therefore respectfully recommended that the decision of the Commission adverse to the applicants be not approved, and that the Commission be directed to enroll as citizens by blood of the Cherokee Nation, Goldie, DeAuburn and Guy R. Ballard, and also to enroll as a citizen by intermarriage of that Nation, Minnie Ballard.

Very respectfully,

Commissioner.

GAW
6

D.C. 23185-1903.

ITD 1816-1903.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.P.
OWR.

August 16, 1903.

The Commission to
the Five Civilized Tribes.

Gentlemen:

February 13, 1903, the Acting Commissioner of Indian Affairs submitted your report relative to the application of Minnie Ballard for the enrollment of herself as a citizen by intermarriage and the enrollment of her husband, Samuel A. Ballard, and three minor children, as citizens by blood of the Cherokee Nation, and recommending that your decision adverse to the applicants be not approved. A copy of his letter is inclosed.

It is directed that you advise the principal applicant and the attorneys for the Cherokee Nation of the recommendation of the Indian Office, and that 30 days from the date of such notice will be allowed in which to file any argument they desire and that notice of such argument must be served upon the opposite party. So far as the Acting Commissioner's referring to the Act of February 8, 1887 (24 Stat., 388), is concerned, attention is called to the opinion of the Assistant Attorney General for the Department of April 18, 1903, copy of which was sent to you April 24, 1903.

Respectfully,

M. W. Miller,

Acting Secretary.

1 inclosure.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-611.

6V
ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 29, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

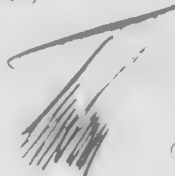
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of Departmental letter of August 16, 1903, in regard to the application of Minnie Ballard for the enrollment of herself as a citizen by intermarriage and for the enrollment of her husband, Samuel A. Ballard, and her three minor children, Goldie, DeAuburn and Guy R. Ballard, as citizens by blood of the Cherokee Nation.

In accordance with the instructions contained in said letter you are advised that you will be allowed thirty days from the date of this notice in which to file with the Commission, for transmission to the Secretary of the Interior, any argument which you may desire. You will be required to furnish the applicant a copy of said argument.

Respectfully,



Chairman.

Enc. D-611.

msg

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-611

Muskogee, Indian Territory, October 2, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed for your attention, copy of
argument of attorney for the applicants in Cherokee D-611, Minnie
Ballard et al.

Respectfully,

Enc. D-11.

Chairman.

229

COMMISSIONERS
JAMES HENRY
THOMAS H. NEALE
C. R. BRIDGES
W. F. STANTY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-611

ALLISON L. AYLE, ASST.
SOLICITOR

ADDITIONAL COPY TO
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 29, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated January 15, 1903, rejecting the application for the enrollment of Minnie Ballard as a citizen by intermarriage, and for the enrollment of her three minor children, Goldie, DeAuburn and Guy R. Ballard as citizens by blood, and dismissing the application for the enrollment of Samuel A. Ballard as a citizen by blood of the Cherokee Nation, was reversed as to the three minor children and approved as to Samuel A. Ballard, by the Secretary of the Interior on February 15, 1904.

No action was taken by the Department on the decision as to the right of Minnie Ballard to enrollment as an intermarried citizen, for the reason that the rights of claimants by intermarriage in the Cherokee Nation are not now being adjudicated.

Respectfully,

Commissioner in Charge.

D.C. 53182-1906.

(COPY)

Y.P.

DEPARTMENT OF THE INTERIOR

WASHINGTON.

PHE.

I.T.D. 1518-1903.

November 28, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Referring to departmental letter of February 15, 1904, in the matter of the application for the enrolment of certain persons as citizens of the Cherokee Nation, including Minnie Ballard, as a citizen by intermarriage, in view of the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, appealed from the Court of Claims, the application for the enrolment of said Minnie Ballard is denied. The claims of the other applicants were disposed of in said letter.

The papers in the case have been sent to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

9 inc. for Ind. Of.

Cherokee
D 611

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 14, 1906

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated January 15, 1903, refusing the application of Minnie Ballard for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the secretary of the Interior on November 28, 1906.

For your information a copy of the Departmental decision referred to is herewith enclosed.

Respectfully,

Encl. B-75

Commissioner

IN THE MATTER OF THE APPLICATION OF

Samuel A. Ballard et al.

1W

*(1) Original testimony, Oct 10/00**(2) Memo of application Oct 10/00**(3) Supplemental testimony Nov 12/1900**(4) Marriage license certificate**(5) Birth affidavit, Guy R. Ballard.*

OCT 26 1907

Cher. D 612

Cher. D 612

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., OCTOBER 16th, 1900

In the matter of the application of Woodrow W. Haddley for the enrollment of himself, wife and step-child as citizens of the Cherokee Nation; said Haddley being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name, please? A Woodrow W. Haddley.
Q How old are you? A 40 years old.
Q What is your post office? A Vera, Indian Territory.
Q You live in Cooweescoowee district? A Yes, sir.
Q Who is it you want to have enrolled? A Myself, wife and one step-child.
Q Are you Cherokee by blood or white man? A I am Cherokee by blood, but I have not got such rights.
Q You apply as an intermarried white man? A Yes, sir.
Q Your wife is a Cherokee is she? A Yes, sir. I have been married to two Cherokee woman.
Q Have you a marriage license and certificate? A No.
Q Were you first married before 1880? A Yes, sir.
Q Was your first marriage to a Cherokee woman before 1880? A No, it was not before 1880.
Q Show me your marriage license and certificate of your first marriage. (Produces same.)
Q Now your first Cherokee marriage was to Mrs. Mary W. Johnson in 1890? A Yes, sir.

Com'r Breckinridge:--The applicant presents an official copy of the records of Cooweescoowee district showing that license was granted to him by the Clerk of the District on the 31st of October, 1890, to marry Mrs. Mary W. Johnson, a citizen of the Cherokee Nation, and that they were married on the same day by the Deputy Clerk of the District. This is filed herewith.

Q She was a Cherokee was she? A Yes, sir.
Q Is she dead? A Yes, sir.
Q When did she die? A Died in 1891.
Q Did you live with her from the time you married her under the Cherokee license until she died? A Yes, sir.
Q Was she a native of the Cherokee Nation? A Yes, sir.
Q Did she live in the Cherokee Nation all her life? A Yes, sir, born and raised here.
Q Give me the name of her father? A John B. Johnson.
Q He is dead is he? A No, sir.
Q Give me the name of her mother? A I do not remember, she died when my wife was quite young.
Q She is dead? A Yes, sir.
Q Now, have you married since the death of your wife, Mary Johnson? A Yes, sir.
Q To whom have you married the second time? A Stella Simpson.

Com'r Breckinridge:--The applicant presents a license issued by the Clerk of the United States Court, Northern District, Indian Territory, December 14, 1899, authorizing his marriage to Mrs. Stella Loflin Simpson, and the certificate shows that they were married on the same day of the same month and within the same year by the Reverend G. W. Gordan. This document is filed herewith.

Q You last wife, Stella M. Simpson is she alive? A Yes, sir.
Q Is she Cherokee or white woman? A Cherokee.
Q Is she a native of the Cherokee Nation? A Yes, sir.
Q Has she lived here all her life? A Yes, sir.
Q How old is she? A 23 years old.
Q Give me the name of her father? A H. A. Loflin.
Q Is he dead? A No, sir.
Q Give me the name of her mother? A Rebecca.
Q Is she dead? A No, sir.
Q You say that your recent wife has lived in the Cherokee Nation all her life? A Yes, sir.

Woodrow W. Haddley.--2.

Q Was your first wife ever married except to you? A No, sir.
Q Were you ever married except to her? A No, sir.
Q Was your present wife ever married except to you? A Yes, sir.
Q Was her first husband dead when she was married to you? A Yes, sir.
Q She was married twice before her first husband is living.
Q Did she get a divorce? A I do not know, she got a divorce from the Court at Wagoner.
Q What was the name of her husband? A George Something, I do not know his name.
Q He is still living is he? A Yes, sir.
Applicant: She has one child by her first husband.
Q Now give me the name of your step-child? A Walter L. Simpson.
Q This is a child by the husband she is divorced from? A Yes, sir.
How old is he? A About five years old, going on six.
Q He is living now is he? A Yes, sir.
1880 enrollment; page 545, #971, Mary Johnson, Illinois.
1880 enrollment; page 450, #1067, Stella Loflin, Going Snake.
1896 enrollment; page 786, #1865, Stella Simpson, Going Snake.
1896 enrollment; page 309, #504, Woodrow Hadley, Cooweescoowee.
1896 enrollment; page 786, #1866, Walter L. Simpson, Going Snake.

Com'r Breckinridge:--The applicant applies for the enrollment of himself, wife and one step-child: His wife is identified on the rolls of 1880 and 1896 as a native Cherokee. She has lived in the Cherokee Nation all her life, and she will be listed now for enrollment as a Cherokee by blood. The child is by a former husband. He is identified on the roll of 1896. He is living now and he will be listed for enrollment as a Cherokee by blood. The applicant is shown to have married his first wife in accordance with Cherokee law in 1890. He states that they lived together as husband and wife from the time of that marriage until her death, and that he has continued to live in the Cherokee Nation. She is identified on the rolls of 1880 as a native Cherokee. The marriage license and certificate are filed herewith. By that marriage the applicant undoubtedly acquires the right of citizenship. He states that he was never previously married except to that wife under United States law, and that he has never subsequently married except to his present wife. His present wife has been married twice, once to her former husband who is dead and from the other she has separated and he is still living. The applicant is unable to supply the Commission at this time with evidence of his present wife having been divorced from that husband. Without such evidence his application for his own enrollment will be placed upon a doubtful card. He is identified on the roll of 1896

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 17th day of October, 1900.

J. O. Rosson
Commissioner.

MS

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 4, 1908.

In the matter of the application of Woodrow W. Hadley for
enrollment as a Cherokee citizen:

Supplemental Statement.

There was filed with this Commission a copy of a decree of
divorce between Stella Conner and George Conner, certified by
Charles A. Davidson, Clerk of the United States Court in the
Indian Territory for the Northern District, to be a true and correct
copy of the original decree entered in the case of Stella Conner
vs. George Conner in said Court at a term thereof held on the 22nd
day of November, 1899.

It is directed that copies of this statement be filed with the
testimony in the above case.


Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Woodrow W. Hadley for enrollment as a Cherokee citizen.

On the 16th day of October, 1900, Woodrow W. Hadley appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of his wife and step-child as citizens by blood of the Cherokee Nation.

At the conclusion of the evidence offered at that time his wife and step-child were listed for enrollment on a regular card and the name of Woodrow W. Hadley was placed upon a "Doubtful" card awaiting evidence of divorce between his wife and her former husband.

Further evidence has been submitted to the Commission and the following decision is now rendered.

D E C I S I O N

--000--

From the evidence of record in this case it appears that Woodrow W. Hadley was first married on October 31, 1890 to Mary W. Johnson, a citizen by blood of the Cherokee Nation, duly identified on the authenticated tribal rolls of 1880, such marriage being by authority of a Cherokee marriage license. Mary W. Hadley died in 1891. On December 14, 1899 applicant married Stella Simpson, a Cherokee citizen, identified on the authenticated tribal roll of 1880 as Stella Lefflin. She was formerly married to George Conner from whom she was divorced. Applicant has resided in the Cherokee Nation ever since 1890, and he is identified on the Cherokee Census roll of 1896.


In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens

-2-

of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the facts and the law in this case it is considered that Woodrow W. Hadley is entitled to be enrolled as a citizen by intermarriage of the Cherokee Nation, and it is so ordered.


 C. R. Beckwith

Commissioners.

Dated at Muskogee, Indian Territory,
 JUN 9 - 1902

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U.S. DEPT. OF THE INTERIOR

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

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U.S. DEPT. OF THE INTERIOR

Char. D-612.

Muskogee, Indian Territory, June 9, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

Enclosed herewith please find copy of the decision of the Commission rendered June 9, 1902, in the matter of the application of Woodrow W. Hadley for enrollment as a citizen of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the person above named as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Yours truly,



Acting Chairman.

Encl. D-612.

312
IN THE MATTER OF THE APPLICATION OF

Savaron W. Hillier

CHEROKEE CITIZENS.

Original testimony of Oct 16/1900
Memo of application Oct 16/00
Certified copy of marriage records
U.S. Marriage Records cert
Certified copy of records, given

2/1/1

Ch. Hillier

Cher D 613

Cher D 613

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., October 16, 1900.

In the matter of the application for the enrollment of Ivan Leroy Warner as a Cherokee by blood.

James William Warner, being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A James William Warner.
Q How old are you? A I was born in 1872, I will be about 28.
Q What is your post office? A Talala.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A No, sir.
Q For whom do you apply for enrollment? A Two children.
Q Whose children? A Mine.
Q What are the names of the children? A Ivan Leroy, 8 years old.
Q The name of the next child? A Bertha May Warner, 6 years old.
Q What is the name of the mother of these children? A Nannie

Warner.

- Q She your wife? A Yes, sir.
Q What was her name before you married her? A Nannie Vinita.
Q When did you marry her? A In 1899.
Q You married according to the laws of the Cherokee Nation? A No,

sir.

- Q Is your wife on the roll of 1880? A Yes, sir.
Q Is she living? A No, sir, she is dead.
Q She have any other name besides Nannie? A No, sir.
Q How old would she now be? A She was born in 1876.
Q What was her father's name? A John Vinita.
Q Her mother's name? A Sallie.
Q Did she have a brother named John? A Yes, sir.
Q Her father and mother both living? A No, sir, her father is

dead; her mother is living.

Q Her mother here? A She lives out here on the river about six miles from here, she is not here to-day.

Q Did she have a sister named Maria? A A sister named Dora, she is dead.

(Mar is Warner on 1896 roll, page 286, No. 5284, Nancy W. Warner, Cooweescoowee district. Ivan Leroy Warner on 1896 roll, page 286, No. 5285, Roy Warner, Cooweescoowee district. Bertha May Warner on 1896 roll, page 286, No. 5286, Bertha Warner, Cooweescoowee district.)

Q How long has your wife been dead? A Three years.

The applicant applies for the enrollment of his two children. He avers that he was married to one Nannie Vinita, a Cherokee citizen by blood, and the name of Nannie Vinita appears upon the census roll of 1896. Nancy W. Warner, Warner being the name of her husband. The names of her two children, Ivan L. and Bertha May, appear upon the census roll of 1896. The name of John Vinita does not appear upon the authenticated roll of 1880. The applicant avers that she is the daughter of John and Sallie Vinita, whose names appear upon the authenticated roll of 1880, but no evidence is produced to show that Nancy is the child of said parents. Consequently, final judgment as to the enrollment of the said Ivan L. and Bertha M. Warner, children of James W. Warner by his wife Nancy Vinita, is suspended, and their names will be placed upon a doubtful card.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and is true and correct in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 17th day of October, 1900.

Court.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., October 17, 1900.

D. 613.

In the matter of the application of Ivan L. Warner et al. for enrollment as Cherokees by blood.

Additional testimony.

Sallie Cassana, being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Sallie Cassana.
Q What is your post office address? A Nowata.
Q How old are you? A 41.
Q Do you know Nannie Vinita? A They got her down as Nannie Vinita but her name was Nancy.
Q You know Nancy Vinita? A Yes, sir.
Q What was the name of her mother? A I am her mother.
Q Are you a Cherokee citizen by blood? A Yes, sir, my mother was full blood.
Q Is your name on the roll of 1880? A Yes, sir.
Q Was Nancy's name on the roll of 1880, do you? A No, sir, it wasn't.
Q Nancy Vinita, who was her ~~father's~~ husband? A William Warner here.
Q Did she have any children? A Got two.
Q What was their names? A Leroy, and the girl is named Bertha.
Q Wasn't his name Ivan? A Yes, sir, Ivan Leroy.
Q Nancy Vinita was your own daughter? A Yes, sir.
Q Did you have a child named Johnnie? A Yes, sir.
Q He living? A Yes, sir, he is living.
Q Was he younger or older than Nancy? A He was younger.
Q Did you have one named Albert? A Yes, sir.
Q What is the reason your oldest child isn't on the roll of 1880, all the other children are? A I don't know what is the reason, they didn't put it down, I was sick at that time and I didn't go.
Q Who enrolled them? A My husband did, and he didn't put her on; I was married before I married Vinita.
Q Her name wasn't Vinita then? A No, sir, her name was Morgan.
Q Her name then was Nancy Morgan? A Yes, sir, but she went by the name of Vinita.
Q You married a man by the name of Morgan? A I married a man by the name of Spunk, but his right name was Morgan.
Q Did you know Amanda Spunk? A No, sir, I did not.
Q I understand you to say that John Vinita wasn't the father of Nancy? A No, sir, her father is dead.
Q Her father's name was what? A Sam Spunk was what he went by, and his mother tells me his name was Sam Morgan.
Q Now your husband, was he a full blood Indian? A Yes, sir.
Q You say that he ~~didn't~~ enroll you and the children in 1880?
A Yes, sir.
Q John Vinita was your husband before you married Cassana? A Yes, sir.

The only question in the case is as to the citizenship of Nannie Warner, the mother of Ivan L. and Bertha M. Warner. The witness to-day is Sallie Cassana, formerly Sallie Vinita, and claims that said Nannie Warner is her child.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 17th day of October, 1900.

Commissioner

2

C. D-413

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 5, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of James V. Warner for enrollment of his two children, IVAN L. WARNER and BERTHA M. WARNER, as Cherokee citizens.

Appearance of:

W.V. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter that the application of his two children, Ivan L. and Bertha M. Warner for enrollment as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 5th day of March, 1902; and that he could on said date appear before the Commission either in person or by attorney, when an opportunity would be given him to introduce any additional testimony affecting his application. The applicant this day, to-wit: 5th day of March, 1902, being called three times and failing to respond, either in person or by attorney, it is directed that the case be closed and same reported to the Commission for final decision based upon the evidence now of record.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D. Green

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 24, 1902.

In the matter of the application of JAMES W. WARNER, for the enrollment of his two children as citizens by blood of the Cherokee Nation:

Appearances:

Applicant appears in person;
Cherokee Nation by J. G. Starr;

--The applicant in this case was notified by registered letter on June 12, 1902, to appear before the Commission at its offices in Muskogee, Indian Territory, and submit further evidence in regard to the residence of his said children in the Cherokee Nation.

JAMES W. WARNER, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A James W. Warner.
Q How old are you ? A Thirty two.
Q What is your post office address ? A Talala, I. T.
Q What is the name of your wife ? A Hannie Vinita.
Q Is she the mother of your children Ivy Leroy and Bertha May Warner ? A Yes sir.
Q When were these children born ? A Up near Nowata.
Q In the Cherokee Nation ? A Yes sir.
Q When were you married to their mother ? A In the spring of '92.
Q Where were you living at that time ?
A Four miles and a half south of Nowata in the Cherokee Nation.
Q Have these children always resided in the Cherokee Nation ?
A Yes sir.
Q Have you ever made your home outside of the Cherokee Nation since the birth of these children ? A No sir.

H. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

H. C. Bagwell

Subscribed and sworn to before me this June 28, 1902.

J. J. Kauter
Notary Public.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James W. Warner for the enrollment of his two minor children, Ivan L. and Bertha M. Warner, as citizens by blood of the Cherokee Nation.

DECISION.

--oOo--

The record in this case shows that on October 16, 1900, James W. Warner appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of his two minor children, Ivan L., and Bertha M. Warner, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Nowata, Indian Territory, on October 17, 1900, and at Muskogee, Indian Territory, on June 24, 1902.

The evidence shows that the said Ivan L., and Bertha M. Warner, are the minor children of Nannie Warner, deceased, a Cherokee citizen by blood, and James W. Warner, a white man; that the said James W. Warner and his said wife, Nannie, were married about the year 1892. The mother of the said Nannie Warner is identified on the 1880 authenticated tribal roll of the Cherokee Nation, as a native Cherokee, the said Nannie being at that time about four years old. Nannie Warner is identified on the 1896 Census roll of the Cherokee Nation, and the two minor children, Ivan L., and Bertha M. Warner, are also identified on that roll.

The evidence further shows that the said Ivan L., and Bertha M. Warner have resided in the Cherokee Nation ever since their birth.

It is, therefore, the opinion of this Commission that Ivan L. Warner and Bertha M. Warner should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC - 1 1902

COMMISSIONERS
HENRY L. DAWES,
JAMES DIXIE,
THOMAS B. NEEDLES,
J. R. BOE KIRKIDGE.

ALLISON L. AYLESWORTH
SECRETARY.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 613.

Muskogee, Indian Territory, December 2, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

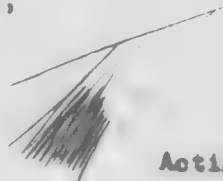
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 1, 1902, granting the application of James W. Warner for the enrollment of his two minor children, Ivan L. and Bertha M. Warner, as citizens by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enclosure H. No. 16.

IN THE MATTER OF THE APPLICATION OF

Irvin L Warner et al.

FOR AFRICAN AMERICAN CITIZENSHIP AS

CITIZENS.

A Original testimony Oct 16/00

B Memo of application Oct 16/00

C Supplemental testimony Oct 17-00

D Action of final consideration 3/5/02

E Under final consideration 3/5/02

Cher D 614

Cher D 614

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., October 1, 1900.

In the matter of the application of William Franklin Pierce for the enrollment of himself as a Cherokee by 1st marriage and his wife and two children as Cherokees by blood, being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A William Franklin Pierce.
Q How old are you? A 38.
Q What is your post office address? A Nowata.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir, by blood. A By adoption.

Q For whom do you apply for enrollment? A Myself, wife and two children.

- Q What is the name of your wife? A Helen E.
Q What was her name before you married her? A Billingslea.
Q Have you any certificate of marriage? A Yes, sir.

(Applicant presents a certificate of marriage certifying that he was married to Miss Helen Pierce, nee Billingslea, according to the laws of the Cherokee Nation on the 13th of September, 1894, the marriage license and certificate being in due form.)

- Q How old is your wife? A Twenty.
Q What was her father's name? A Frank Billingslea.

- Q He alive? A Yes, sir.
Q What was her mother's name? A Johanna.

Q She living? A No, sir, she is dead.

Q Her father a Cherokee? A No, sir.

Q Was her mother? A Yes, sir.

Q What are the names of your children? A Mary E., 4 years old.

Q What is the name of the next child? A Athelstan R., a year and a half old.

Q What was your wife's name in 1880? A They are not on the 1880 roll.

Q Have you got any proof of her citizenship? A Nothing here at all, her folks are at Vinita and we didn't know we needed anything; we have just been living here a couple of years, in this town; her father lives in Vinita.

(William Franklin Pierce on 1896 roll, page 319, No. 788, Frank Pierce Cooweescoowee district. Helen E. Pierce on 1896 roll, page 229, No. 3685, Helen Pierce, Cooweescoowee district. Mary E. Pierce on 1896 roll, page 229, No. 3686, Mary E. Pierce, Cooweescoowee dist.)

Q How long have you lived in the Cherokee Nation? A About seven years.

Q Is Helen Billingslea your first wife? A Yes, sir.

Q You her first husband? A Yes, sir.

Q You living with her at this time? A Yes, sir.

Q Been living with her continuously since you married? A Yes, sir.

Q Your child, Mary E., alive and living with you? A Yes, sir.

Q Did your wife have a brother? A Yes, sir, Mack and Frank, there was two of them.

(Upon examination of the rolls of the Cherokee Nation in possession of the Commission, it is found that Helen Billingslea was admitted by an act of the Cherokee Council December 4, 1884, to citizenship.)

Q When did your wife come to the Cherokee Nation? A Well, along about that time.

Q Is she here? A No, sir, she is at home, we were here yesterday.

Q Is she in town? A No, sir.

The name of William F. Pierce is found upon the census roll of 1894. He makes satisfactory proof of his marriage to one Helen E. Billingslea in the year 1894, and the name of Helen Billingslea does not appear upon the authenticated roll of 1880. She is represented to

POOR ORIGINAL -
BEST AVAILABLE COPY

William Franklin Pierce - 3.

be a Cherokee citizen by blood. Her name appears upon the census roll of 1896 as Helen Pierce. The name of his child, James, appears upon the census roll of 1898, and he presents satisfactory proof of the birth of the younger child, named Absalom E., whose name does not appear upon said roll. The applicant claims that his said wife was admitted to Cherokee citizenship by the Council of the Cherokee Nation in 1884, but he presents no proof to that effect. They are all duly identified according to the page and number of the roll. They have not made satisfactory proof as to their residence, from the fact that the laws of the Cherokee Nation require that parties who were admitted to Cherokee citizenship by special act of the Council should remove to the Cherokee Nation within six months from the time of such admittance. Consequently, final judgment as to the enrollment of the said William F. Pierce as an intermarried citizen and his wife, Helen E., and her two children as citizen by blood, will be suspended and their names will be placed upon a doubtful card.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 17th of October, 1900.

[Signature]

Commissioner.

POOR ORIGINAL -
BEST AVAILABLE COPY

Department of the Interior.
Commission to the Five Civilized Tribes.
Nowata, I. T., October 17, 1900.

D-Card 614.

Additional testimony in the case of William F. Pierce and his wife, Helen Pierce. Helen Pierce, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What's your name? A Helen Pierce.
Q Your age? A 20.
Q What was your name before you were married? A Helen Billingsly.
Q Where were you born? A Paris, Texas.
Q When did you remove to the Indian Territory? A In '84.
Q Have you lived here continuously since '84? A Yes sir.
Q What's your father's name? A Frank Billingsly.
Q Is he living? A Yes sir.
Q What's your mother's name? A Mother's dead; her name was Joanna Billingsly.
Q Did you remove to the Cherokee Nation with your father? A Yes sir.
Q With the family in '1884? A Yes sir.
Q You haven't got a certificate of your father's admission? A No sir, I haven't.
Q Were you admitted the same time your father was? A Yes sir.
Q You have lived continuously here since 1884? A Yes sir.
Q Where were you married? A Chetopa, Kans.
Q Were you living in Kansas at that time? A I was married twice.
Q And then come back and was married under Cherokee law? A Yes sir.

Commissioner-

The records now in possession of the Commission show that Helen Billingsly was admitted by council Dec. 2, 1884. This testimony is to go with D Card 614. The above testimony is satisfactory as to the citizenship of the said Helen E. Pierce nee Helen Billingsly, who was placed upon a doubtful card 614, Oct. 16th; consequently, the said William F. Pierce, her husband, herself, and her two children shall be removed from the doubtful card and placed upon a straight card, and admitted as Cherokee citizens, he as an intermarried citizen, she and her two children as citizens by blood. Also see testimony taken in the application for the enrollment of William F. Pierce and his wife connected with D Card 614, and also testimony as to the application of Frank Billingsly, who was admitted to citizenship at Vinita.

E. G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the supplementary testimony of the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

Subscribed and sworn to before me this 18th day of October, 1900.

T. B. Needles
Commissioner.

C'

TO THE PRESIDENT
BILLY
JUL 13 1960

THE UNIVERSITY OF MICHIGAN

... 1911 ... A

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 17, 1902.

In the matter of the application of William F. Pierce for the enrollment of himself, wife and children as citizens of the Cherokee Nation.

Applicant represented by W. A. Chase, Nowata, I.T.
Cherokee Nation represented by W. W. Hastings.

The applicant in this case was notified by registered letter March 1st, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 17th day of March, 1902. Receipt was acknowledged of the Commission's letter, and the applicant on this date, to wit the 17th day of March, 1902, appears by his attorney, W. A. Chase, Nowata, I. T.

The attorney for the applicant and the representatives of the Cherokee Nation present submit the case. The same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

C
P

I, Arthur G. Croninger, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Arthur G. Croninger

DEPARTMENT OF THE INTERIOR
MISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 23 1892

ACTING ASSISTANT

8614

Department of the Interior.

Commission to the Five civilized tribes.

In the matter of the application for enrollment
of William F. Pierce and family.

Brief of council.

The applicant applied to the commission for the enrollment of himself and family consisting of Helen Pierce, Mary E. Pierce and Athelstan E. Pierce and on the date of the application the applicant presented satisfactory proof that he was married according to ^{the} law of the Cherokee Nation on Sept. 13th 1894 and that he had lived continuously with his wife and that he and his family were duly identified on the 1896 roll and that on the 17th day of October 1890 the applicant presented additional testimony in his behalf by which he and his family were duly identified on the roll of 1896 and also as the persons who were admitted to citizenship on Dec. 2nd, 1894 and that the testimony was entirely satisfactory to the commission and that the said commission ordered to the applicant and his family to be listed for enrollment on a strait card which was by the finding of the said commission duly recorded and that subsequent to that date the Cherokee Nation by their representatives protested against the enrollement of the said applicant pending an investigation and the said representatives have wholly neglected and failed to introduce any testimony that would tend to change the former order of this commission or in any prove that the order was duly and well considered and that the said applicant was not entitled to enrollment as a Cherokee by adoption and that his family as Cherokees by blood and we submit that the evidence is conclusive of the fact and that the said applicant and his family should at this time be listed ~~for~~ and enrolled as citizens of the Cherokee Nation with a,, of the rights thereto belonging.

Respectfully submitted.

D 614

Q

Copy for Cn.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

APR 18 1902



ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William E. Pierce as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of Helen E. Pierce, Mary E. Pierce and Elizabeth E. Pierce as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on October 16, 1900, William E. Pierce appeared before the Commission at Nowata, Indian Territory, and filed personal application for the enrollment of himself and his wife, Helen E. Pierce, and his two minor children, Mary E. and Elizabeth E. Pierce, as citizens by blood of the Cherokee Nation. The said application was filed at Nowata, Indian Territory on October 17, 1900.

The record shows that the said William E. Pierce was born in Georgia on December 1, 1834, under authority of a Cherokee marriage license to his wife, Helen E. Pierce, who was admitted to citizenship of the Cherokee Nation by the constituted authorities of said Nation on December 2, 1884, under the name of Helen Billingslea as a citizen by blood of said Nation (1884-1885 and 1886) and was then married to the said William E. Pierce, removed to and resided in the Cherokee Nation in 1887, and has resided continuously therein since that date. The said William E. Pierce is identified on the 1890 census roll of the Cherokee Nation.

The record further shows that the said William E. Pierce has lived with his wife in the Cherokee Nation since his marriage to her. The said William E. Pierce is also identified on the 1890 census roll of the Cherokee Nation.

The record further shows that the said William E. Pierce is too young to be upon the 1890 roll of the Cherokee Nation, but he is identified by a birth certificate of the Cherokee Nation.

It further appears that the said William E. Pierce is a member of the Cherokee Nation at the time of his application herein.

Therefore, the Commission of this case is of the opinion that William E. Pierce should be enrolled as a citizen by intermarriage of the Cherokee Nation, and that Helen E. Pierce, Mary E. Pierce and Elizabeth E. Pierce should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of section 1 (entitled "Act of Congress approved March 3, 1884 (23 Stat. 453), and it is so ordered.

COMMISSION TO THE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Nowata, Indian Territory

AUG 11 1900

this

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
William F. Pierce as a citizen by intermarriage of the Cherokee
Nation, and for the enrollment of Helen E. Pierce, Mary E. Pierce
and Athelstan R. Pierce as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 16, 1900, William F. Pierce appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Helen E. Pierce, and his two minor children, Mary E. and Athelstan R. Pierce, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Nowata, Indian Territory, on October 17, 1900, and again at Muskogee, Indian Territory, on October 13, 1902.

The evidence shows that the said William F. Pierce was lawfully married on December 16, 1894, under authority of a Cherokee marriage license, to his wife, Helen E., who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on December 2, 1884, under the name of Helen Billingslea, as appears from the printed acts of said Nation (1884-1885 and 1886), page 72. It further appears that Helen E. Pierce removed to and settled in the Cherokee Nation in 1884, and has resided continuously therein since that date. William F. Pierce, his wife, Helen E. Pierce, and their minor child, Mary E. Pierce, are identified on the Cherokee Census Roll of 1896.

The evidence further shows that the said William F. Pierce has lived with his wife in the Cherokee Nation since his marriage to her. The minor child, Athelstan R. Pierce, is too young to be upon any tribal roll of the Cherokee Nation, but is duly identified by a birth affidavit, made a part of the record herein.

The evidence further shows that Helen E. Pierce has lived in the Cherokee Nation continuously since 1884, and that her husband has lived with her in said Nation from the date of his marriage to her up to and including September 1, 1902. The minor children applicants herein have lived in the Cherokee Nation continuously since birth.

It is, therefore, the opinion of this Commission that William F. Pierce should be enrolled as a citizen by intermarriage of the Cherokee Nation, and that Helen E. Pierce, Mary E. Pierce and Athelstan R. Pierce should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

James F. Smith

Acting Chairman.

J. D. Neff

Commissioner.

H. D. Brockmeyer

Commissioner.

Muskogee, Indian Territory,

this NOV 20 1902

100

COMMISSIONERS

HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 614.

ALLISON I. AVIERSWORTH
SECRETARY

Muskogee, Indian Territory, August 13, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 11, 1902, granting the application of William E. Pierce for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Helen E. Pierce, and his children, Mary E. and Athelstan R. Pierce, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against its decision. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 46.

COMMISSIONERS
HENRY L. DAWSON
TAMM HADLEY
THOMAS H. NELSON
C. R. HENDERSON

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-614.

Muskogee, Indian Territory, November 26, 1902.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting the application of William F. Pierce for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Helen E. Pierce, and his two minor children, Mary E. and Athelstan R. Pierce, as citizens by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. H-195.

10

614

IN THE MATTER OF THE APPLICATION OF

William H. ...
...

- Original Petition
- Memo of Application
- Supplemental Petition No. 17790
- Motion
- Berth ... (The ...)
- Motion ...

[Large handwritten signature]
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Cher D 615

Cher D 615

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., October 16, 1900.

In the matter of the application of Annie L. Frakes for the enrollment of herself and child as Cherokee by blood; being sworn and examined by Commissioner Needles, she testified as follows:

- Q What is your name? A Annie L. Frakes.
- Q How old are you? A 25.
- Q What is your post office address? A Talala.
- Q What district do you live in? A Cowascoochee.
- Q Are you a citizen of the Cherokee Nation? A Yes, sir.
- Q By blood? A Yes, sir.
- Q What degree of blood do you claim? A 1/32 I guess.
- Q Do you desire to enroll? A Myself and baby.
- Q What is your father's name? A James Martin.
- Q Is he living? A Yes, sir.
- Q What is your mother's name? A Martha Martin.
- Q Is she living? A No, sir, she is dead.
- Q Are you married? A Yes, sir, but my husband is dead.
- Q What was his name? A Henry Frakes.
- Q Was he a white man? A Yes, sir.
- Q When were you married? A In 1897.
- Q What is the name of the child? A Winnie M. Frakes.
- Q How old is Winnie? A She is 2 years old.
- Q Have you any proof of birth as to Winnie? A Yes, sir.
- Q Are you on the roll of 1890? A I think so.
- Q Where were you born? A I was born in the State of Texas.
- Q How long did you live in this country? A I have been in this country seven or eight years.
- Q Did you move here seven or eight years ago? A Yes, sir.
- Q Did you come father's family? A Yes, sir.
- Q Have you any certificate of admission to Cherokee citizenship? A Yes, sir.
- (An exhibit presents a certified copy of an act of the Cherokee Council to readmit Peter M. Martin and others to Cherokee citizenship, said act providing that none of the rights granted shall accrue to any of the persons named in said act until they remove to and locate in the Cherokee Nation. The act passed the Senate of the Cherokee Nation on the 26th of November, 1890, approved by J. B. Mayes, Principal Chief, December 4, 1891, certified to by J. T. Parks, executive secretary of the Cherokee Nation, under the seal of the Cherokee Nation.)
- Q In this certificate that you present I find the name of Annie L. Martin; are you the identical Annie L. Martin mentioned in this certificate? A Yes, sir.
- Q What did you remove into the Cherokee Nation? A About seven or eight years ago.
- Q What year was that, about what year? A 1894 or 1895, I don't know which.
- Q You removed here in 1894 or 1895? A Yes, sir, I don't know which.
- Q What time in 1894, what was the month? A October.
- Q You moved here in October, 1894? A Yes, sir.
- Q You have been living here ever since October, 1894? A Yes, sir.
- Q You have been living here ever since October, 1894? A Yes, sir.
- Q Are you certain that it was 1894 or 1895? A I believe it was 1895, it must have been.
- Q It must have been 1895? A Yes, sir.
- Q October, 1895, then? A Yes, sir.
- (Annie L. Frakes on 1890 roll, page 321, o. 3452, Annie Martin, Cowascoochee District.)

The name of Annie L. Frakes appears upon the census roll of 1890

Annie L. Frakes - 2.

by her maiden name of Annie B. Martin. She avers that she was married to one Henry Frakes, a citizen of the United States, in the year 1897. The result of said marriage is one child named Winnie M., about two years of age, and she presents satisfactory proof of birth of said child. Said applicant also presents certified copy of an act of the Cherokee Council admitting her, among others, to Cherokee citizenship, said not being more fully described in the testimony, and averring that she was admitted to Cherokee citizenship on the 4th day of December, 1890. She also avers that she arrived in the Cherokee Nation in the month of October in the year 1895, having resided in the State of Texas all her life up to that time, and that since October 5, 1895, she has resided in the Cherokee Nation. The Act of the Cherokee Council approved December 4, 1894, provides that all persons who have been or may hereafter be readmitted to citizenship in the Cherokee Nation are hereby required to permanently locate within the limits of the Cherokee Nation within six months from the passage of this act, or ~~forfeit~~ from the date of readmission, said act having been approved December 4, 1894. By the provisions of the Curtis Bill, which provides that persons who are actual residents of the Cherokee Nation on the 28th day of June, 1898, shall be entitled to enrollment. Because of the conflict between the two laws mentioned herein, final judgment as to the enrollment of the said Annie L. Frakes and her child Winnie M., will be suspended, and their names will be placed upon a doubtful card.

B. C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

B. C. Jones
Sworn to and subscribed before me this 17th of October, 1900.

J. D. [Signature]
Commissioner.

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S U P P L E M E N T A L

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. Oct bar, 17th 1900.

In the matter of the application of Annie Prakes for the enrollment of herself and child as Cherokee citizens. SUPPLEMENTAL TESTIMONY

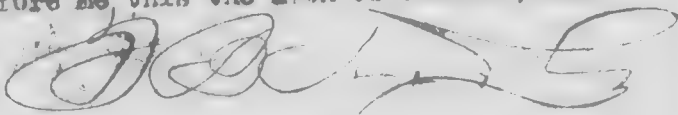
James A. Martin being duly sworn before the Commission testified:

- Q What is your name? A. James A. Martin.
Q What is your age? A. 44.
Q What is your post office address? A. Talala, I. T.
Q Do you know Annie L. Prakes? A. Yes sir.
Q How does she spell her name? A. Prakes.
Q What relation are you to her? A. She is my daughter.
Q When did she arrive in the Indian Territory? A. October, 30th 1894.
Q She stated yesterday that she arrived here in 1893. A. She was mistaken about that for I brought her here myself.
Q Are you certain that this was the date? A. Yes sir.
Q What makes you certain? A. I brought her here myself.
Q What brings it to your mind that it was in 1894 instead of 1895?
A. From the simple fact that it is a fact.
Q Did you keep a record of the date? A. No sir I have no record.
Q She is your daughter? A. Yes sir.
Q Was she married when you brought her here? A. No sir.
Q You brought her here with the balance of your family? A. Yes sir.
Q Where did you come from? A. Kilgore, Texas.
Q Was she born and raised in the state of Texas? A. Yes sir.
Q Is there anything else that you want to state about this? A. No sir except that there is a child.
Q Well it was born since she came into this country? A. Yes sir.
Q Your daughter was mistaken then when she stated that she came here in 1895? A. Yes sir, it can be proved by other persons.

Chas. von Weise being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause and that the foregoing is a full, true and correct transcript of his stenographic notes of said proceedings.

Chas von Weise

Subscribed and sworn to before me this the 17th of October, 1900.



Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 17 1900

ACTING CHAIRMAN

Supl.-C.D.#615.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL in the matter of the enrollment of ANNIE FRANKS,
ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 15, 1902, that her application for the enrollment of herself and child as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 5th day of March, 1902. Receipt has been acknowledged of Commission's letter, and the applicant this day, to-wit: the 4th day of February, 1902, appears by her attorneys Mellette & Smith, Vinita, Indian Territory. By agreement with the representative of the Cherokee Nation present the case is taken up for final consideration.

Mr. W. W. Hastings, Cherokee Representative, present.

Mr. Mellette: The applicant desires to file a certified copy of their readmission to citizenship, and to call attention to the fact that the certificate provides that those admitted in this certificate shall gain no rights until they permanently locate in the Cherokee Nation, without fixing any dates for the location in the Cherokee Nation.

Mr. Hastings: The Cherokee Nation contests the right to enrollment of this applicant on the ground that they did not move here within the time specified by law.

Commission: The document offered in evidence will be filed. The attorney for the applicant and representative of the Cherokee Nation present submit the case and the same is ordered closed and reported to the Commission for final decision of the Commission based upon the evidence now of record.

The attorney for the applicants will be allowed 15 days in which to file a brief in this case, one copy with the Commission and one copy with the representatives of the Cherokee Nation.

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I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. H. [Signature]
Stenographer.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Annie L. Frakes and Winnie M. Frakes as citizens by blood of the
Cherokee Nation.

DECISION.

The record in this case shows that on October 16, 1900, Annie L. Frakes appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment of herself and her minor child, Winnie M. Frakes, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Nowata, Indian Territory, on October 17, 1900, and at Muskogee, Indian Territory, on March 4, 1902.

The evidence shows that the said Annie L. Frakes was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said nation on December 4, 1890 under the name of Annie L. Martin; that she removed to and settled in the Cherokee Nation on October 20, 1894, and has continuously resided therein since that date. She is identified on the 1896 Census Roll of the Cherokee Nation.

The minor child, Winnie M. Frakes is too young to be upon any tribal roll of the Cherokee Nation, but she is duly identified by a birth affidavit filed with this Commission.

The evidence further shows that the said Annie L. Frakes and Winnie M. Frakes were residents of the Cherokee Nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Annie L. Frakes and Winnie M. Frakes should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this SEP 20 1902

317

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRIDGEMAN

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFERENCE TO THE FOLLOWING

Cherokee D 615.

ALFRED L. ABERNETHY
SECRETARY

Muskogee, Indian Territory, September 29, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

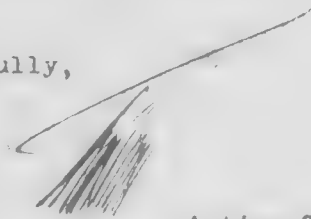
Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Annie L. Frakes for the enrollment of herself and her minor child, Winnie M. Frakes, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. C. No. 63.

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IN THE MATTER OF THE APPLICATION OF

Annie L. Shaker, et al.

- A Original testimony Oct 16/00
 - B Memo of application Oct 16/00
 - C Supplemental testimony Oct 17/00
- with a statement of Minnie M. Frazer

Notice of final consideration 3/12

Receipt for testimony
Recd of

Supplemental proceedings and order
closing testimony March 1/02

Cher D 616

Cher D 616

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., October 17, 1900.

In the matter of the application of David O. Scott for the enrollment of himself, wife and child as Cherokee citizens; being sworn and examined by Commissioner Brockbridge he testified as follows:

Q Give me your full name. A David O. Scott.
Q How old are you? A 31 I think.
Q What is your post-office? A Coffeyville.
Q In what district do you live, Cooweescoowee? A Yes sir.
Q Do you apply for enrollment of yourself and family? A Yes sir.
Q You have a wife? A Yes sir.
Q How many children? A One child.
Q Are you a Cherokee by blood? A No sir, by adoption.
Q Is your wife a Cherokee by blood? A Yes sir.
Q Let me see your marriage license and certificate.

(Produces papers)

Com'r: The applicant presents an official copy of the records of Cooweescoowee District showing that license was issued to him on March 25 1895 to marry Mrs. Elmira Scott, nee Reed, and the ceremony was performed on the same day by the Rev. L. Dobson, This is filed herewith.

Q How have you lived with your wife and in the Cherokee Nation ever since you were married to her in March 1895? A Yes sir.

Q You had been previously married to her under United State law had you not? A Yes sir.

Q Were you ever married except to this wife? A No sir.

Q Was she ever married except to you? A No sir.

Q How your wife's full name then is Elmira Scott? A Yes sir.

Q How old is she? A 20 years old.

Q Give me the name of her father? A Luman H. Reed.

Q Is he dead or alive? A He is dead.

Q Was he a Cherokee or a white man? A He was a white man.

Q Give me the name of her mother? A Margaret Joanna I believe.

Q Is she dead or alive? A She is dead.

Q Was she a Cherokee? A Yes sir.

Q Give me the name of your child? A Orville Everett.

Q How old is that child? A He is about 19 months old.

Q Has your wife lived in the Cherokee Nation all her life?

A Yes sir. But she wasn't on the 1880 roll; her mother was on that roll.

Q When did her mother die? A She has been dead about 14 years I believe.

Q How long has her father been dead? A About nine years.

Q And you say your wife has lived here all her life, - was she born here? A Yes sir.

1880 roll examined for applicant's wife and name not found, neither the names of her parents.

1896 roll page 254 #4384 Elmira Scott Cooweescoowee District.

1896 roll page 325 #978 David O. Scott/ Cooweescoowee.

Com'r Brockbridge: The applicant applies for the enrollment of himself, his wife and one child; his wife is identified on the roll of 1896 as a native Cherokee, but neither she nor her father nor mother, all of whom are said to have been living in the Cherokee Nation in 1880 are identified on the roll of 1880; the applicant's wife will now be listed for enrollment as a Cherokee by blood on a doubtful card, to await further and better identification; the applicant is shown to have married his wife in March 1895; he states that they have lived together and in the Cherokee Nation ever since their marriage, and neither of them were ever married before; he is identified with his wife on the roll of 1896, and he will be listed

David O. Scott et al 2

now as a Cherokee by intermarriage when he files a certificate of the birth of the child and in the testimony, this child also will be listed for enrollment as a Cherokee by blood on a doubtful card.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof

M.D. Green

Subscribed and sworn to before me this 17th day of October 1900.

Subscribed and sworn to before me this 17th day of October 1900.

W.D. Scott

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 17 1960

ACTIVE CHAIRMAN

9198

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., October 17, 1900.

In the matter of the enrollment of DAVID O. SCOTT AND FAMILY &
(Particularly as to his wife) as Cherokee citizens;
ALBERT MORRIS, being sworn and examined by Commissioner Brackinridge
testified as follows:

Q Give your full name. A Albert Morris.
Q How old are you? A 53 years old.
Q What is your post-office? A Nowata.
Q How long have you lived in the Cherokee Nation?
A Born here.
Q Lived here all your life? A Yes sir.
Q Are you one of the witnesses here of the Cherokee Nation?
A Yes sir.
Q You want to give some additional testimony in the application
of David O. Scott, for himself, wife and family? A For his wife.
Q What was his wife's maiden name? A Joanna McPhearson.
Q You say Joanna McPhearson was the name of Orville Scott's
wife? A Orville Scott's wife is a daughter of Joanna McPhearson.
Q I asked you what was the name of Scott's wife? A Scott's
wife was named Lucy Read.
Q Was she born in the Cherokee Nation? A Yes sir.
Q Do you know that of your own personal knowledge? A Yes sir.
Q Is she kin to you? A Yes sir.
Q What kin is she to you? A She was my wife's sister's daughter.
Q Your wife's niece? A Yes sir.
Q Why isn't she on the roll of 1880? A I couldn't tell you.
Q Was her mother a Cherokee woman? A Yes sir.
Q What proportion of Cherokee blood was her mother? A About
a quarter.
Q Why isn't her mother on the roll of 1880? A I couldn't tell
you that, either. They have lived right there in the country;
Elmer has lived there ever since he was married; I don't know what
year he was married in.
Q Joanna, the mother of Lucy, is living now? A No sir, she
is dead.
Q Was Joanna born in the Cherokee Nation? A Yes sir.
Q And lived here all her life? A Yes sir.
Q And Lucy was born here? A Yes sir.
Q It seems that this man Scott is married to Elmira, and not to
Lucy—there is an Elmira,—has your wife got a niece named Elmira.
Q Read had two girls, that's the only children he had by his
wife; they are both girls.
Q You don't know this Elmira personally? A I have known them
ever since they were born.
Q Don't you know the name of your wife's niece? I didn't know
her name was Elmira before.
Q What do you call her? A I don't remember what we did call her.
Q But you know there were two girls? A Yes sir.
Q And they were born here? A Yes sir.
Q And lived here all their lives? A Yes sir.
Born right there on Now Creek and lived here ever since.
Q And that she was born here before them? A Yes sir.
Q And lived here all her life? A Yes sir.
1880 roll page 80 4150 42279 Luman Read Coomescoowee, adopted white;
1880 roll page 159 42120 M. J. Read Coomescoowee.

Com'r Brackinridge:

This identification is considered sufficient,
and when the case of David O. Scott, field number D 416 is reached in
the regular order, the persons therein applied for will be be
placed upon the regular enrollment. It also is shown since the
case was started, that the father and mother, now deceased, of the

POOR ORIGINAL -
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David G. Scott et al

Albert Martin witness 2

applicant's wife are both identified on the roll of 1880.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green

Subscribed and sworn to before me this 17th day of October 1900.

J. B. Smith

Commissioner.

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D.C. 16

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT. 17 1888

Wm. H. C. Wright

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of David O. Scott et al. for enrollment as Cherokee citizens.

On the 17th day of October, 1900, David O. Scott appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself as a citizen by intermarriage and for the enrollment of his wife, Elmyra, and his child, Orville E., as citizens by blood of the Cherokee Nation.

At the conclusion of the evidence offered at that time, the persons for whom application was made were placed upon a doubtful card, awaiting identification of the parents of Elmyra Cobb on the 1880 tribal roll of the Cherokee Nation and awaiting proof of birth of the child Orville E.

Further evidence in the case has been submitted to this Commission and the following decision is rendered:

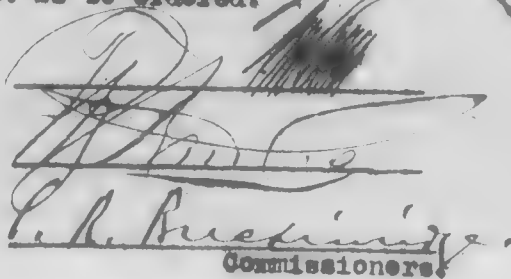
D E C I S I O N .

From all the evidence of record in this case it appears that David O. Scott was married by authority of a Cherokee marriage license to Mrs. Elmyra Scott, nee Reed, on the 25th day of March, 1895. He testified that he had resided in the Cherokee Nation continuously since his said marriage and that his wife, Elmyra, had resided in the Cherokee Nation all her life. The parents of his wife, Elmyra, are duly identified on the Cherokee authenticated tribal roll of 1880, and both he and his wife are duly identified on the Cherokee Census roll of 1895. The child, Orville E., is too young to be upon any roll, but is duly identified by the affidavit filed in the case.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the act of Congress approved June 25, 1898 (30 Stats., 495):

That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws.

Under the facts and the law in this case, it is considered that David O. Scott is entitled to enrollment as a citizen by intermarriage of the Cherokee Nation and that his wife, Elmyra, and his child, Orville E., are entitled to enrollment as citizens by blood of the Cherokee Nation, and it is so ordered.


C. R. Bucknidge,
Commissioner.

Dated at Muskogee, Indian Territory,
JUN 9 - 1902

COMMISSIONER
HARRY L. DAWES
TAMM HENRY
THOMAS H. NEEDLES
C. H. HARRINGTON

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cher. D-616.

Muskogee, Indian Territory, June 9, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

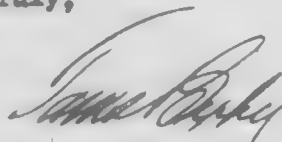
Muskogee, Indian Territory.

Sir:

Enclosed herewith please find copy of the decision of the Commission rendered June 9, 1902, in the matter of the application of David O. Scott et al for enrollment as citizens of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the persons above named as citizens of the Cherokee Nation. If you fail to file the protest within the time allowed these applicants will be regularly listed for enrollment.

Yours truly,


Acting Chairman.

Encl. D-616.

IN THE MATTER OF THE APPLICATION OF

David O. Scott et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

- Original testimony, Oct. 17, 1900
- Memo of application, Oct. 17, 1900,
- Supplemental testimony, 10/17/1900
- Certified copy of marriage
- Birth certificate, David O. Scott.

Cher D 617

Cher D 617

Rejected, as to wife, Luella.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., October 17th, 1900.

In the matter of the application of Richard W. Dawson for the enrollment of himself, wife and child as Cherokee citizens; being sworn and examined by Commissioner Brackinridge he testified as follows:

Q Give me your full name? A Richard W. Dawson.
Q How old are you? A I am 29 years old.
Q What is your next-of-kin? A Talala.
Q Coosawscowee District? A Yes sir.
Q Do you apply just for your own enrollment? A No sir, wife too.
Q And any children? A One.
Q Are you a Cherokee by blood? A Yes sir.
Q What is your wife? A She is a white woman.
Q How long have you lived in the Cherokee Nation? A About 16 years.
Q Have you got a certificate of admission to Cherokee citizenship? A Yes sir.
Q Give me the name of your father? A Elbert Dawson.
Q Is he dead or alive? A He is dead.
Q Give me the name of your mother? A Sarah Jane Dawson.
Q Is she dead or alive? A She is live.
Com'r: The applicant presents duly authenticated certificate of admission to Cherokee citizenship showing that on the 11th day of January 1883 certain persons were admitted to citizenship and among them appears the name of Elbert Dawson, who he states was his father; this is recognized as official evidence of the father's admission at the time stated.
Q Did your father come to the Cherokee Nation at the time of his admission in 1883? A Come in 1884.
Q Did he live here from that time until his death? A Yes sir.
Q When did he die? A A year ago last January.
Q How long have you lived in the Cherokee Nation? A 16 years.
Q Give me the name of your wife? A Luella Mason.
Q How old is she? A 24 years old.
Q When did you marry her? A 2 years ago 24th of last January.
Q Give me the name of your child? A Ina Edna.
Q How old is that child? A She was a year old the 3th day of June.
Q Have you a certificate of marriage to your wife? A Yes sir (Produces papers)
Com'r: The applicant presents certificate of marriage showing that on the 24th of January 1898 he was united in marriage to Miss Ella Mason, by the Clerk of Coosawscowee District; this is filed herewith.
The certificate of admission to citizenship is returned to the applicant.
1896 roll examined for applicant and name not found;
1894 roll page 176 #1314 as Dick W. Dawson, Coosawscowee Dist

Com'r Brackinridge: The applicant applies for the enrollment of himself, his wife and one child; he shows by the certificate of admission cited in the testimony that his father was admitted to citizenship in 1883; he established his residence in a satisfactory manner in the Cherokee Nation; he is identified on the roll of 1894, but not upon the roll of 1896; it is shown in the application and testimony of other members of this family that the Cherokee authorities refused their enrollment in 1896 because of a content over the circumstances of their admission; the Cherokee representatives present have protested against the enrollment of all the members of this family and this application will now be placed upon a doubtful card for further consideration; the applicant being sworn

PROCEED CONTINGUALLY

BEFORE ADVANCEMENT

Richard W. Dawson et al 2

classed as a Cherokee by blood; when he files certificate of the birth of the child named in the testimony, then this child also will be listed as such by blood, upon a doubtful card. The marriage certificate filed herewith shows that the applicant married his wife, a white woman, some two years or more ago; this is too late under the Cherokee law of 1895 for her to possess the right of enrollment at this time, and the application for her enrollment is rejected.

M. D. Green, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green

Subscribed and sworn to before me this 17th day of October 1900.

A. L. N. C.

Commissioner.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 17 1900

W. H. HARRIS, ACTING CHAIRMAN.

To be filed in C. D-817.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 8, 1902.


In the matter of the application of Martin L. Patterson for the enrollment of himself, wife and children as citizens of the Cherokee Nation.

Francis Marion Dawson, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Francis Marion Dawson.
Q How old are you? A Soon will be sixty.
Q What is your postoffice address? A Arton now; it was Oseuma.
Q Are you acquainted with Sona Patterson, the applicant in this case? A Yes sir.
Q Did you know her father? A Yes sir.
Q How is he related to you? A Brother.
Q Did you know her mother? A Yes sir.
Q What was her name? A Jane, a white woman.
Q Is she living or dead? A She is living.
Q Do you know when she and Elbert Dawson were married? A Before the war; I don't remember the time; they had two children at the time of the war.
Q Were you present at the marriage? A I wasn't present; they came to my fathers from their fathers. They were about three miles apart.
Q They were married at her father's house and came directly to your father's house? A Yes sir, the next day.
Q Did they continue to live together as husband and wife all the time until the time he died? A Yes sir, all the time.
Q They were recognized throughout the community as man and wife?
A Yes sir, they raised a large family of children.

-O-

I, the undersigned stenographer to the Commission to the Five Civilized Tribes, do hereby certify that I recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.



DEPARTMENT of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 8, 1903.

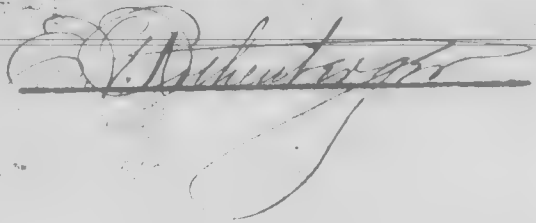
In the matter of the application of Richard W. Dawson for the enrollment of himself and child as citizens of the Cherokee Nation.

Order.

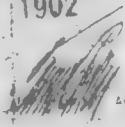
It is directed that copies of the testimony had this day in the matter of the application of Martin L. Patterson be filed and made a part of the record in this case; said testimony being that of Francis M. Dawson.

—♦—

I, the undersigned stenographer to the Commission to the Five Civilized Tribes, do hereby certify that I recorded the order above and that the same is a true and complete transcript of my stenographic notes thereof.



DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 9 1902



ACTING CHAIRMAN

CHEROKEE.

D. 617

Richard W. Dawson et al

Exhibit A
to the Cherokee Nation

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

Dec 8. 2014

Cher D 618

Cher D 618

Applicant on doubtful card
wife on rejected card.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. October, 17th 1900.

In the matter of the application of Joseph K. Martin for the enrollment of himself and wife as Cherokee Citizens. He being duly sworn before the Commission testified as follows:-

- Q What is your name? A. Joseph K. Martin.
Q What is your age? A. 41.
Q What is your post office address? A. Tyler, Texas.
Q Where do you reside? A. I consider that I reside in the Cherokee Nation.
Q What district do you reside in? A. Goochessocowee.
Q For whom do you apply for enrollment? A. Myself and wife.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q By blood? A. Yes sir.
Q What degree of blood do you claim? A. From 1/8 to 1/16.
Q Does your name appear on the 1890 authenticated roll? A. No sir.
Q Then by what right do you claim Cherokee citizenship? A. By recognition.
Q Have you a certificate to that effect? A. Yes sir.

Applicant presents a certified copy of an act of the Cherokee Council re-admitting Patsie M. Martin and others to Cherokee Citizenship. Said act having passed the Senate on the 30th of November, 1890 and approved by J. B. Hayes, Principal Chief on December, 4th 1890, and certified to by J. T. Parks, Executive Secretary of the Cherokee Nation under the great seal of the Cherokee Nation, attesting among others and Joseph K. Martin to Cherokee citizenship.

- Q Are you the identical Joseph K. Martin mentioned in this certificate? A. Yes sir.
Q What is the name of your wife? A. Dora Martin.
Q What was her name before you married her? A. Hunt.
Q Is she a white woman? A. Yes sir.
Q What is her age? A. 39.
Q Have you a certificate of your marriage to her? A. Yes sir.

Applicant presents a certificate of marriage certifying that he was married to Dora Hunt on December, 30th 1879 according to the laws of the State of Texas.

- Q Does the name of your wife appear on this certificate of re-admission? A. No sir.
Q Was she ever admitted by the Cherokee Council or the constituted authorities of the Cherokee Nation? A. I don't think she was.
Q You have no evidence to present as to that fact have you? A. No sir.
Q You apply then for yourself and wife only? A. Yes sir, I had a daughter but she died.
Q Your wife is a white person? A. Yes sir.
Q Mr. Martin, you say that you reside in the Indian Territory? A. Yes sir.
Q When did you remove to the Indian Territory? A. In 1893.
Q Have you been living here continuously ever since that time? A. Yes sir this way, I came here and located me a homestead and have had a tenant on that homestead ever since, and I have been temporarily in Texas, and it is a notorious fact that I am a citizen of the Cherokee Nation; I don't participate in the elections of Texas, and consider this my home.
Q You are 41 years of age? A. Yes sir.
Q And were born and raised in the state of Texas? A. Yes sir.

J. K. Martin 3.

Q Did you ever participate in the rights of citizenship in the state of Texas? A. Not since I was admitted to Cherokee Citizenship.

Q. Since 1890 you have not served on a jury or voted in Texas? A. No sir and don't pay poll tax.

Q What is your post office address? A. Tyler Texas, am a book keeper there.

Q Have you any family besides yourself and wife? A. No sir, we had a daughter but she is dead.

By Gale Starr, Cherokee representative.

Q Is it not a fact that you are temporarily here and permanently in Texas? A. No sir.

Q Where were you living on the 28th of June 1898? A. I consider that I was living here.

Q What is the fact, not what you consider? A. This is my home.

Q What I want to know is, where were you living on June 28th 1898? A I consider, in the Cherokee Nation. And furthermore I was not in the Territory when the roll of 1896 was gotten up and I applied to this Honorable body, the Dawes Commission, and their decision was that our citizenship was good as we were on the roll, and there was no contest by the Cherokee Nation.

By the Commission.

Q Do I understand you to say that you applied to the Dawes Commission in 1896? A. Yes sir either in 96 or 97, it was when they were staying at Fort Gibson.

Q Have you a certificate of your admission by the Dawes Commission? A No sir.

1894 roll, page 248, No. 2853, Joseph K. Martin, Cooweescoowee.

The name of Joseph K. Martin appears on the pay roll of 1894. He presents a duly authenticated copy of an act of the Cherokee Council certifying that he was admitted to Cherokee Citizenship in 1890. He now applies for the enrollment of himself and wife. He presents no evidence whatever as to the admission of his wife Dora Martin, he having been married to her in the year 1879 according to the marriage certificate presented by him. He again avers also that he was admitted to citizenship by the Dawes Commission in 1896, but the records now in the possession of this Commission do not show his name among those admitted by said Commission. The testimony as to his removal and residence in the Cherokee Nation is not satisfactory. His application as to his wife Dora Martin will be rejected and the final decision as to his own application for enrollment will be placed on a doubtful card awaiting further evidence as to his residence in the Cherokee Nation and as to his admission by the Dawes Commission in 1896 as the full records of the said Commission are not now accessible being on file in the General Office at Muskogee.

Chas. von Weise being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause and that the foregoing is a true, correct and complete transcript of his stenographic notes of said proceedings.

Chas von Weise

Subscribed and sworn to before me this the 17th of October, 1900.

Commissioner.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 17 1900

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EX-117-320
OCT 17 1900
RECEIVED
COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS
SUPPLEMENTAL

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., October, 17th 1900.

In the matter of the application of Joseph K. Martin for the enrollment of himself and wife as Cherokee Citizens. He being duly sworn testified as follows to the Commission.

- Q What is your name? A. Joseph K. Martin.
Q. You were admitted in 1890 and did not remove to the Territory until 1895? A. Yes sir.
Q How long did you live in the Territory after you removed here in 1895? A. I was in the Territory—
Q That is not what I want, did you reside in the Territory and if so how long? A. I consider that I did.
Q What do you consider a residence? A. Where I bring my property, and my household goods and my family.
Q Did you actually bring your household goods and wife to the Territory when you came here? A. I moved some of them.
Q Your wife never did come here with you? A. No sir.
Q She never came here at all? A. No sir.
Q You have just been here backwards and forwards and lived in Texas? A. Yes sir she has lived in Texas.
Q Is it not a fact that you have never lived here? A. I consider that I have lived here.

Chas. von Weise being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes that he reported in full all proceedings had in the above entitled cause and that the foregoing is a full, true and correct transcript of his stenographic notes in said proceedings.

Chas. von Weise

Subscribed and sworn to before me this the 17th day of October, 1900.

[Signature]

Commissioner.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

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OCT 12 1900



ACTING CHAIRMAN



R

C. D-618

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 5, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Joseph K. Martin for enrollment as a Cherokee citizen.

Appearances:

W. W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 13, 1902, that his application for enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on the 5th day of March, 1902; that he could on said date appear before the Commission either in person or by attorney, when an opportunity would be given him to introduce any additional testimony affecting his application. Applicant was further notified to supply the Commission with a certified copy of the act re-admitting him to citizenship in the Cherokee Nation.

Receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: 5th of March, 1902, having been called three times and failing to respond either in person or by attorney it is directed that the case be closed and that same be reported to the Commission for final decision based upon the evidence now of record.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M. D. Green

Oherokee D-618.

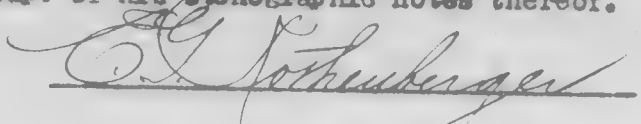
Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., September 18, 1902.

In the matter of the application of Maymie Starr for the enrollment of herself as a citizen by blood of the Oherokee Nation.

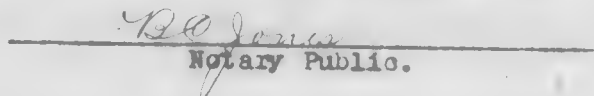
J. G. Starr, being sworn and examined by the Commission, testified as follows:

- Q State your name, age and postoffice address? A J. G. Starr, age 38, postoffice Vinita, I.T.
Q Were you acquainted with the applicant in this case, Maymie Starr, during her life time? A Yes sir.
Q She was a Oherokee by blood? A Yes sir, my second cousin.
Q Is she living or dead? A She is dead.
Q About when did she die? A She died nearly a year ago, in October, 1901.
Q Had she always lived in the Oherokee Nation prior to her death? A Yes sir.
Q Was she living there when she died? A Yes sir, she was living at Tahlequah. I believe she had been out to school.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.



Subscribed and sworn to before me this 22nd day of September, 1902.


Notary Public.

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

SEP 24 1902

ACTION

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joseph K. Martin for the enrollment of himself as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 17, 1900, the applicant, Joseph K. Martin, appeared before the Commission at Nowata, Indian Territory, and then and there made personal application for the enrollment of himself as a citizen by blood of the Cherokee Nation, and for the enrollment of his wife, Dora Martin, as a citizen by intermarriage of the Cherokee Nation. At the conclusion of the evidence offered at that time the name of Joseph K. Martin was placed upon a doubtful card for further consideration of the question of his residence in the Cherokee Nation. His wife, Dora, has been listed on Rejected Card Field No. 231.

It appears from the evidence in support of this application that Joseph K. Martin was admitted to citizenship in the Cherokee Nation by an act of the National Council approved December 4, 1890, under the name of Joseph Martin. He is identified on the 1894 Pay Roll of the Cherokee Nation. It further appears that in 1893 he came to the Cherokee Nation, and "located a homestead", and has had a tenant thereon ever since, but it does not appear that he has removed to and in good faith settled in the Cherokee Nation or Indian Territory since his admission to citizenship.

The authority of the Commission herein is defined in Par. 9, Sec. 21, of the act of Congress, June 26, 1898 (30 Stats., 496):

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is therefore the opinion of this Commission that Joseph K. Martin is not lawfully entitled to be enrolled as a member by

Cherokee-D- 616

blood of the Cherokee Tribe of Indians in Indian Territory, and that the application for his enrollment as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

this SEP 20 1902

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFERS IN REPLY TO THE FOLLOWING:

Cherokee D 618.

ADDRESSED IN THE
OFFICE OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 22, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of Joseph K. Martin for the enrollment of himself as a citizen by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Acting Chairman.

Enc. C. No. 34.

412

COMMISSIONERS
HENRY L. DAWES
TAMM BENNETT
THOMAS B. NEELY
U. S. DEPARTMENT OF THE INTERIOR

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee B 618.

Muskogee, Indian Territory, November 11, 1902.

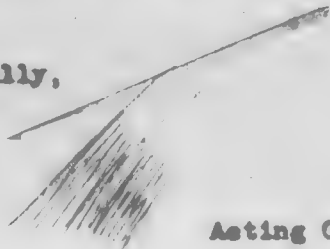
W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting the application of Joseph K. Martin for the enrollment of himself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 22, 1902.

Respectfully,



Acting Chairman.

N 618

IN THE MATTER OF THE APPLICATION OF

Joseph A. Martin

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony

B Memo of application

C Supplemental testimony

D Motive of application

E Certificate of enrollment

Oct 17/1

1800

Filed for record

1873/34

Witness

Cher D 619

Cher D 619

Applicant DUBIOUS.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., OCTOBER 17th, 1900.

In the matter of the application of William Thomas Gregory for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Gregory being sworn and examined by Commissioner C. A. Breckinridge, testified as follows:

- Q Give me your full name? A William Thomas Gregory.
Q How old are you? A 28.
Q What is your post office? A Nowata.
Q Do you live in Cooweescoowee district? A Yes, sir.
Q Who do you want to have enrolled, yourself and family? A Yes, sir.
Q Have you a wife? A Yes, sir.
Q How many children? A Two.
Q Are you a Cherokee by blood? A No, sir, married.
Q What is the name of your wife, Cherokee? A Yes, sir.

Q Let me see your marriage license and certificate. (Produces same)
Com'r Breckinridge:--The applicant presents an official copy of the records of Cooweescoowee district showing that a license was issued to him to marry Miss Mattie Coker, a citizen of the Cherokee Nation, on the 10th of July, 1895. The record states that the above parties were married by the Rev. W. G. T. Headlee, but it does not state when the marriage took place. It is endorsed as recorded on February 5, 1896, but it is further stated that it was returned in due time, and the record shows that it is required to be returned within 30 days from the celebration of the marriage; that would show that the marriage took place something like 30 days prior to February 5, 1896, if it was recorded promptly when returned.

Q Have you a certificate of your marriage? A No, sir, I got married the next day after I got my license.

Q Have you lived with your wife ever since you married her? A Yes, sir.

- Q And in the Cherokee Nation? A Yes, sir.
Q Were you ever married before? A No, sir.
Q Was she ever married before? A No, sir.
Q How old is your wife? A 22 years old.
Q Has she lived in the Cherokee Nation all her life? A Yes, sir.
Q Give me the name of her father? A Louis Coker.
Q Is he dead? A No, sir.
Q Give me the name of her mother? A Charlotte.
Q Is she dead? A No, sir.
Q Give me the names of your children? A Lee Victor.
Q How old is that child? A Four years of age.
Q Give me the name of the next child? A Mary D.
Q How old is she? A Two years old.

These children are both living now, are they? A Yes, sir.
1890 enrollment; page 81, 2539, Mattie T. Coker, Cooweescoowee.
1894 enrollment; page 166, 26011, Mattie T. Gregory, "
1896 enrollment; page 306, 3417, Wm. T. Gregory, "
1896 enrollment; page 108, 22012, Victor T. Gregory, "

CALVIN COKER, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give your name? A Calvin Coker.
Q How old are you? A 30.
Q What is your post office? A Coody's Bluff.
Q What district do you live in? A Cooweescoowee.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know this man Gregory? A Yes, sir, I know him.
Q How long have you known him? A Four or five years. He married a daughter of Louis Gregory.

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William Thomas Gregory---2.

Q He married a Miss Mattie Gregory? A Yes, sir.

Q This is a document here showing that he got out a license to marry her in July, 1895, but the balance of the record does not set forth dates properly? A I do not know when he was married but it would be somewhere along about that time.

Q Was he married in the Summer of winter? A I could not tell you. I understood he married Louis Gregory's daughter, but as to knowing personally of the marriage I do not know anything about it.

Q You were not present at the marriage? A No, sir.

Q Did you hear at the time it took place? A I guess about the time

Q Q Do you know whether you heard that in the summer of 1896 or winter of 1896? A I do not know.

Gen'r Breckinridge:--The applicant applies for the enrollment of himself, his wife and two children: His wife is identified on the rolls of 1880 and 1896 as a native Cherokee. She has lived in the Cherokee Nation all her life, and she will be listed for enrollment as a Cherokee by blood. The oldest child, Lee V., is identified on the roll of 1896. He is living now, and will be listed for enrollment as a Cherokee by blood. When a certificate is supplied of the birth of the youngest child, Mary M., this child also will be listed for enrollment as a Cherokee by blood.

An official copy of the records of Cooweescoowee district show that a license was issued to the applicant to marry his wife in July 1895. It does not say that they were married under that license. It was not recorded until February, 1896. It simply states the fact of marriage. Until the applicant can further establish the date of his marriage, his application will be placed upon a doubtful card, in order to determine whether he comes under the provision of the Cherokee law of 1895 relating to the acquirement of citizenship rights by intermarriage.

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J. O. Reeson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Reeson

Subscribed and sworn to before me this 17th day of October, 1900.

Alfred E. ...

Commissioner

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
NOVATA, I.T., OCTOBER 17th, 1900.

IN THE MATTER OF THE APPLICATION William F. Gregory; Card "D"
#60; supplementary testimony:
Lucy Ann Jolly, being sworn and examined by Commissioner, G. R.
Brockinridge, testified as follows:

- Q What is your full name? A Lucy Ann Jolly.
Q How old are you? A Fifty three.
Q What is your Postoffice? A Novata.
Q How long have you lived in the Cherokee Nation?
A Since 1881; I came here in the Spring of 1881.
Q Do you know William F. Gregory? A Yes sir.
Q Do you know his wife? A Yes sir.
Q What is her name? A Mattie Oker. Her father is my cousin.
Q When were they married? A July, 1895 to the best of my know-
ledge.
Q Were you present at the marriage? A Yes sir; they were mar-
ried at my house.
Q Do you know it was in the Summer time? A Yes sir; it was warm
weather.
Q Do you know it was along in the middle and not in the later
part of the year? A I do not think it was the later part of the
year.
Q You are satisfied it was in warm weather? A Yes sir; they
were married at my house; Methodist minister Headly married them.
Q How do you fix it in your mind about it being about the middle
of the year? A I think it was in July.
Q Because it was in warm weather? A I am satisfied that it was
after the fourth of July picnic.
Q Did the have a fourth of July picnic that year? A Yes sir.
Q Was this marriage shortly after this picnic? A Yes sir; I
think it was; it must have been in July.

By the Commission:

This seems to establish with satisfactory certainty that the
applicant was married in July, or at least in the Summer of the
year 1895, and when his case is reached, in the regular course, it
will, unless otherwise deemed necessary, be transferred to straight
registry.

The undersigned, being sworn, states that as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings in the case, and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before
me this 17th day of October, 1900.

G. R. Brockinridge
COMMISSIONER.


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2619

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 17 1900



ACTING CHAIRMAN

Supplemental testimony to go with D Card #019.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, N.T., OCTOBER 17th, 1900.

SUPPLEMENTAL TESTIMONY in the matter of the application of William Gregory for the enrollment of himself, wife and child as citizens of the Cherokee Nation:

THOMAS PARRISH, being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:

- Q Give your name, please? A Thomas Parrish.
Q What is your age? A 19 years old.
Q What is your post office? A Coody's Bluff.
Q In what district do you live, Coowasocowee? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Born and raised here.
Q Do you know William Gregory? A Yes, sir.
Q He is a married man is he? A Yes, sir.
Q When did he marry? A 1898 I think it was.
Q Was it in the summer or winter? A I do not recollect whether it was in the summer or Fall; it was in warm weather.
Q Were you at the wedding? A Yes, sir.
Q Were you dressed in summer clothes? A Yes, sir, I think I was in my shirtsleeves.
Q You are sure it was in warm weather are you? A No, sir, I am not sure. I know it rained that day.
Q What crops were you gathering at that time? A I do not think I was gathering any crop at that time.
Q What kind of work were you doing then? A I do not think I was doing any work. I was not that day.
Q Have you any means of knowing definitely whether it was in the summer or winter? A No, sir.

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J. O. Rossen being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rossen

Subscribed and sworn to before me this 17th day of October, 1900.

C. R. Breckinridge

Commissioner

D 619

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 17 1900

[Handwritten signature]
Acting Commissioner

894B

Cherokee B-619.

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of William Thomas Gregory
for enrollment as a Cherokee citizen.

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On the 17th day of October, 1900, William Thomas Gregory appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of his wife and children as citizens by blood of the Cherokee Nation.

At the conclusion of the evidence offered at that time the wife and children of applicant were listed for enrollment on a regular card and the name of William Thomas Gregory was placed upon a doubtful card awaiting proof of the date of his marriage to Mattie Coker. Further evidence in that matter has been submitted to this Commission and the following decision is rendered:

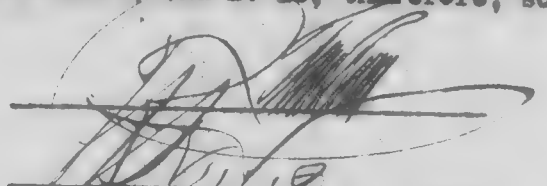
D E C I S I O N .

From all the evidence of record in this case it appears that William Thomas Gregory was married by authority of a Cherokee marriage license issued by Joe M. Lahay, Clerk of Cooweescoowee District, Cherokee Nation, to Mattie Coker, about July, 1895. He testified that he had lived in the Cherokee Nation continuously since the date of his said marriage. He is identified on the Cherokee Census roll of 1896; his wife, Mattie, is duly identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 and has resided in the Cherokee Nation all her life.

In making rolls of citizenship of the Cherokee Nation, this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws.

Under the facts and the law in this case it is considered that William Thomas Gregory is entitled to enrollment as a citizen by intermarriage of the Cherokee Nation, and it is, therefore, so ordered.


P. H. Buckenridge.
Commissioners.

Dated at Muskogee, Indian Territory,
JUN 9 - 1902

COMMISSIONERS
HENRY L. DAWES,
TAMM BERRY,
THOMAS B. NELSON,
C. R. BRECKINRIDGE.

ALLISON L. ANDERSON,
SECRETARY.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cher. D-619.

Muskogee, Indian Territory, June 9, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

Enclosed herewith please find copy of the decision of the Commission rendered June 9, 1902, in the matter of the application of William Thomas Gregory for enrollment as a citizen of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the person above named as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Yours truly,

Tamm Berry
Acting Chairman.

Encl. D-619.

10 619

IN THE MATTER OF THE APPLICATION OF

William T. Greaney

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

- A. Original testimony, Oct. 17th 1900.
- B. Memo. of application, Oct. 17, 1900
- C. Supplemental testimony, Oct. 17, 1900
- D. Supplemental testimony, Oct. 17, 1900
- E. Certified copy, Marriage license and certificate.

Sept 1
all

G. L. ...

Cher D 620

Cher D 620

Beneficial as to applicant and children
RESPECTED as to husband Alvin G. McGowan.

Department of the Interior,
Commissioner to the Five Civilized Tribes,
Nowata, I. T. October, 17th 1900.

In the matter of the application of Isabella G. McGowan for the enrollment of herself, husband and children as Cherokee Citizens. She being sworn before the Commission testified as follows-

Q What is your name? A. Isabella G. McGowan.
Q What is your age? A. 30.
Q What is your post office address? A. Nowata, I. T.
Q What district do you reside in? A. Cowwacawnee.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q By blood? A. Yes sir.
Q What degree of blood do you claim? A. 1/32.
Q For whom do you apply? A. Myself, husband and children.
Q Is he a white man? A. Yes sir.
Q Is he present? A. Yes sir, he is some where around here.
Q What is the name of your father? A. William Pinkney Martin.
Q Is he alive? A. No sir.
Q What is the name of your mother? A. Patsie Martin.
Q Are they Cherokee by blood? A. My mother is.
Q Is she living? A. Yes sir.
Q What is the name of your husband? A. Alvin G. McGowan.
Q What is his age? 33.
Q Is he a non-citizen? A. Yes sir.
Q Have you any proof of your marriage? A. Yes sir.
Q Well I would like to look at it.
Applicant presents a marriage certificate certifying that she was married to one Alvin G. McGowan on the 3rd of December, 1891, according to the laws of the state of Texas, said marriage being solemnized at Kilgore, Texas.
Q Does your name appear on the authenticated roll of 1890? A. No sir.
Q Then by what right do you apply for enrollment? A. Applicant presents a certified copy of an act of the Cherokee Council re-admitting Patsie M. Martin and others to Cherokee Citizenship, said act having passed the Senate on the 20th of November, 1890, and approved by J. B. Hayes, Principal Chief of the Cherokee Nation on the 4th of December, 1890, and certified to by J. T. Parks, Executive Secretary of the Cherokee Nation, drafting among others one Isabella Martin to Cherokee citizenship. The act provides further that none of the rights herein granted shall accrue to any of the persons named therein until they remove and permanently locate in the Cherokee Nation.
Q In this certificate, or rather certified copy of the act which you present I find the name of Isabella G. Martin nee Martin, age 20 years, are you the identical Isabella G. Martin mentioned in this act? A. Yes sir.
Q Have you any children? A. Yes sir, four.
Q What are the names and ages of these children? A. Bertha G. 7; Earl, 6; John B. 5; and Rosa M. 4.
Q Are these children all alive and living with you at this time? A. Yes sir.
Q Where were they born? A. In Texas.
Q You were married in the state of Texas in 1891? A. Yes sir.
Q Did you remove to the Cherokee Nation from the state of Texas? A. Yes sir.
Q When did you remove? A. In 1894.
Q You and your husband and family? A. Yes sir.
Q Have you been living here continuously since 1894? A. No sir, we came here in 1893 and bought a farm in 1894, and then removed to the state of Texas, and then came back here later to live.
Q When did you come back here to live? A. Two years ago.

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Isabella C. McCormic 2.

Q What year did you remove here and become a permanent resident of the Cherokee Nation with your husband and family? A. Two years past February.

Q That would be the year 1899? A. Yes sir.

Q Where were you living on the 28th day of June, 1898? A. In Texas.

Q These children were all born in Texas were they? A. Yes sir.

Q Do any of your names appear on the census roll of 1896? A. No sir 1894 roll, page 259, No. 3117, Isabella C. McCormic, Cooweescoowee 1894 259 3118 Bonnie C. McCormic

Q You say you came here in 1884 with your ~~family~~ husband and family? A. Yes sir he was here.

Q Were your children all here? A. No sir.

Q The fact is that you just came here and drew your Strip Money for yourself and oldest child and then went back to Texas and did not come here again until 1899? A. Yes sir.

The name of Isabella C. McCormic appears on the pay roll of 1894, as well as the name of her oldest child, Bonnie C. McCormic. She presents a certificate of admission, more fully describes in the testimony, admitting her to Cherokee Citizenship in 1890, said act providing that no rights shall accrue to her until she shall have permanently located in the Cherokee Nation. She also presents a marriage certificate as to her marriage to one Alvis C. McCormic in 1891 in the state of Texas, which is her name at this time, she having been admitted under the name of Martin, her maiden name. She avers that she has four children all born in the state of Texas their names being Bonnie C.; Earl, John B., and Rosa M. None of said childrens names or that of herself or husband appear on the census roll of 1896. She also avers in her testimony that she became an actual resident with her husband and family of the Cherokee Nation in February, 1899. The provisions of the Curtis Act provides that all citizens of the Cherokee Nation must be actual residents of said Nation at the time of the passage of said Act, to-wit on June 28th 1898. The law of the Cherokee Nation also provided, said law having been enacted December, 4th 1894, that all persons who have been, or who may hereafter admitted or re-admitted to Cherokee Citizenship must actually remove and locate in the Nation within six months after their admission or re-admission before any of the rights of citizenship will accrue to them. Under the provisions of this act of the Cherokee Nation, the applicant and her family should have become actual residents of the Cherokee Nation six months after its passage in December, 4th 1894. Therefore the judgment of this Commission as to the enrollment of the applicant Isabella C. McCormic and her children as mentioned in the testimony, as Cherokees by blood, and of her husband Alvis C. McCormic as an intermarried citizen, will be placed on a doubtful card for the present.

From Further testimony adduced it is shown that said Alvis C. McCormic, husband of the said Isabella C. McCormic was married in the state of Texas according to the Laws of Texas, and no proof is presented as to his marriage according to the laws of the Cherokee Nation, therefore ~~his enrollment~~ the order for his enrollment will be stopped and he will be placed on a rejected list.

Chas. von Weise being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause and the foregoing is a full, true and correct transcript of his stenographic notes in said proceedings.

Subscribed and sworn to before me the 14th of October, 1900.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 18 1890

ACTING SECRETARY

262

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINIHA, I.T., OCTOBER 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Isabelle C. McComie, et al., as citizens by blood of the Cherokee Nation introduced on part of applicants:

APPEARANCES:

Mellette & Smith, Attorneys for applicants;
Mr. Hastings, Cherokee Representative.

JOHN MARTIN, being duly sworn by Commissioner Needles, testified as follows on part of applicants:

MR. SMITH: State your name? A John Martin.

- Q Where do you live, Mr. Martin? A Nowata, Indian Territory.
Q Are you a citizen of the Cherokee Nation, Mr. Martin? A I am.
Q What is your age? A 38.
Q Do you know the applicant, Isabelle McComie? A I do.
Q Do you know her husband, Alvis C. McComie? A Yes, sir.
Q Are you related to the applicant, Isabelle C. McComie? A Yes, sir.
Q In what degree? A A brother.
Q Do you know whether the applicants owned any property upon the public domain of the Cherokee Nation? A Yes, sir, applicant owned a farm in the Coowescoowee district on Double Creek, about three miles southeast of Nowata.
Q For how long? A They bought that farm in '94, during the month of September.
Q You know, Mr. Martin, what Mr. McComie paid for that farm?
A Yes, sir, he paid \$1500.
Q Do you know whether any improvements have been made upon that farm or not since that time? A Yes, sir.
Q When were the first improvements made after the purchase? A Immediately after the purchase, possibly within thirty or sixty days.
Q What improvement was made at that time? A A barn.
Q What improvements, if any, were made after that and when?
A Why, during sometime the next year there was a granary built and some land cleared, some breaking done.
Q How much was in cultivation upon that place at the time it was purchased? A About ninety acres.
Q How much is in cultivation at this time? A About 275 acres.
Q Where was Mr. McComie, where had he been living up to the time he bought this place? A Had been living in Texas.
Q Where were you from, Mr. Martin, to this country? A From Texas/
Q Were you in Texas yourself at any time from the summer of '94, or after that time for the next two or three or four years?
A Yes, sir.
Q Do you know what McComie was doing there, if he was in Texas a part of the time after he bought his farm? A Yes, sir, he was looking after his cattle, stockraising, doing some small amount of farming.
Q Do you know whether he made any disposition of any property in Texas and if so, at what time? A Yes, sir, he sold some cattle at divers times after he had bought the farm in the Cherokee Nation from 1894 until he finally came here.
Q When was your sister, Isabelle McComie, first here in the Cherokee Nation? A In 1893.
Q When was she next here after that? A I don't remember just the exact date; but she was here a time or two, two or three times since that time.
Q During what period or time of at what times have the different improvements you have described on this place been made since this purchase; you say there is now 200 and how much acres of land in

cultivation at this time? A 275; there has been some improvements made upon the farm every years since McComie bought it.

Q Have you been on the farm often? A Yes, sir.

Q Can you estimate the value of the improvements put there since the purchase? A I would judge including the clearing of land put there insce 1894 would amount to something like three thousand dollars; I base that judgment from the amount of building material that has been placed there.

Q Now, during that time from 1894 on for the next two or three years where was McComie? A Was in Texas part of the time and part of the time in the Indian Territory at his home.

Q You were in Tex as I believe you said? A Yes, sir.

Q Did he buy or own any place down there? A No, sir.

Q When was he married--believe the record shows that but you may state it? A He was married in '91, if I remember right, '91.

Q Where do Mr. and Mrs. McCormie live now? A They live near Nowata, at their home on the farm.

Q Now, how long has it been since they, if you know, closed out finally in Texas? A They sold out the last of their stock there except what they shipped here, about three years ago.

Q This applicant, Isabelle McComie, you may state whether or not she is the same person who was admitted along with the rest of the family? A Yes, sir, she is the same identical person; the same as is shown as Isabelle C. Martin, was readmitted in 1890.

Q Under what style of case? A By an Act of the Cherokee National Council l.

Q What was the name of the case? A Patay Martin, et al.

Q Mr. Martin, you may state any event that you remember, if I haven't asked you as to any preparation that you know of personally that Mr. McComie made to remove to the Cherokee Nation at the time he bought this place, if there is anything you remember I haven't asked you about? A Well, at the time he bought this place he had disposed of as much property as he could in order to raise funds to buy the farm with and the amount of money he raised was probably six or eight hundred dollars, and the Martin Lumber Company carried the account of the debt on the farm and purchased improvements to put on the farm and McComie disposed of his property and applied the proceeds on this account; that is why I know that he was continually disposing of his property as fast as he could to get himself in shape so he could come and live on the farm and fit such property as he could within points of reason transport it to this country.

Q You may state, if you know his circumstances sufficiently to enable you to state whether he was placing the proceedings of all of the property in the farm or whether he was making investments elsewhere? A Well, he sold his property and as fast as he received the funds they were turned ~~xxxx~~ in on his account on this place for improvements he made on the place; he did that at times and the farm of course brought in more or less rents, I believe the first year the rents amounted to \$250 cash rent, that was applied to the account of the debt, and during that time all of the rents also together with the funds he received from other property, applied on the account.

Q And what did he finally do with the remainder of the property he had in Texas that he didn't sell? A The property he didn't sell in Texas he shipped it here to the Territory, consisting of cattle and horses.

Q Did he have any real estate in Texas? A No, sir.

Q Where do you live, Mr. Martin? A I live at Nowata.

Q You are a brother-in-law? A Yes, sir.

Q You are familiar with these transactions? A Yes, sir.

MR. HASTINGS: He came here he testified to live in February, '99, is that correct, about two years ago last February? A I don't think I made that statement.

Q I say the applicant made the statement, his wife then made that statement? A I don't know.

Q Well, do you know whether that is correct or not? A I know that she has not been back to Texas since that time.

Q He brought himself and his family came out here to live permanently in February, of '99, is that correct? A I don't know that that would apply to the exact status of the case.

Q Well, when did they actually and bodily come here and locate?

A They came out here and permanently located in '94.

Q You tell me the last time they came here? A The last time they came was about three weeks ago.

Q Where was his wife? A Wife was out here at Nowata.

Q How long had she been there continuously? A I don't know whether she had been away from there any great length of time except on short visits.

Q About when? A The last visit was about two months ago.

Q Now, Mr. Martin, you know when they came there and I want to know how long they have been there, I don't count a visit of two weeks or two months? A Well, now, at the time they permanently located there and at the time they finally came there the last time is two different times entirely.

Q That is what I want to get at? A I will have to state that it was from 1894.

Q Now, I want to know when they came up there with their family and kept house in the Cherokee Nation? A They have not kept house until about three years ago.

Q If she said they came there in February, 1899, is that correct?

A Yes, sir.

Q And that is the first time she kept house in the Cherokee Nation?

A Yes, sir.

Q And prior to that time she kept house in Texas? A Yes, sir.

Q Were these children born here or in Texas? A In Texas.

Q All of them born in Texas? A I think so.

Q What became of the rent in '95 off of this place, did he get any of it? A It applied on his account.

Q At your place of business? A Yes, sir.

Q Was it in '86? A Yes, sir.

Q How about '97? A Also applied.

Q '98? A Applied.

Q '99? A Applied.

Q 1900? A He didn't owe us anything in 1900.

Q He was here then? A Yes, sir.

Q You know whether that place was leased or not? A No, sir; never was leased, one of the oldest places in the country.

Q You know whether the rent for the old land for any term of years was given for that additional amount that was used on it since it was purchased? A No, sir, there was no lease on it whatever at no time.

Q The farm when it was first bought by McComie contained 90 acres.

Q There has been 185 put to it? A Yes, sir.

Q Did he pay for it or the place paid for itself? A He paid for it himself.

Q Did the rents go on that? A Why, yes.

Q How much did he pay outside of the rents? A I could not tell you.

Q How much did he pay in 1896? A I could not state.

Q I wish in 1897? A I don't know. I will state his last account was \$3600; the last statement we drew up was \$3600 at the time we had the final settlement when he finished paying for the place.

Q Of what did his property consist when he was married in 1891?

A He had a few horses and some cows.

Q The other property that he had was acquired since 1891 he had in Texas? A I don't know just what he did have in 1896 or after; I wasn't very well acquainted with him in 1891; after that I became pretty well acquainted with him.

Q You said just now he had a few head of cows and horses? A Yes,

Supl.C.-D.#620.--4.

Q Did he acquire any property in Texas after that time? A Yes, sir.

Q What did he acquire? A He got some horses and some cattle.

ALBERT C. McCOMIE, being duly sworn by Commissioner Needles, testified as follows: On Part of Applicants:

MR. SMITH: State your name? A Albert C. McComie.

Q Where do you list? A Three miles southeast of Nowata on Doubt Creek.

Q Are you the husband of Isabelle C. McComie? A Yes, sir.

Q Where did you live before you came to the Cherokee Nation? A Texas.

Q Where did you marry your wife, what place? A Kilgore.

Q Kilgore what? A Texas.

Q When did you first come to the Cherokee Nation? A '94.

Q Did you buy any property here? A Yes, sir.

Q What? A Farm.

Q Where? A Southeast of Nowata where I am living.

Q How much did you pay for the place? A \$1500.

Q When did you buy it? A September, I believe, '94.

Q Have you made any improvements on that place since? A Yes, sir.

Q When did you make the first improvement? A In the fall.

Q What fall? A '94, fall and winter.

Q What improvements did you make then at that time? A Barn.

Q When did you make the next improvements? A Why I don't remember now. There were two granaries put up sometime after that and fencing down off and on all the time, I don't remember what time.

Q How much land was in cultivation after you got the place?

A There was about 80 or 90 acres, about 90 acres.

Q And how much is in cultivation now? A About 275.

Q How much land was under fence when you bought the place?

A Well, there wasn't any pasture at all; I will say about 100 acres.

Q How much is under fence now? A There is ~~xxx~~ over four hundred acres.

Q About how much have you put in the way of improvements on the place since you bought it; how much would it amount to? A Besides what it cost me at the start?

Q Yes. A It would amount to two thousand dollars or more.

Q To thousand or more? A Two thousand or twenty-one hundred.

Q Does that include? A Include clearing and all.

Q Do you include in that estimate your own work? A Well in the clearing you would.

Q Would you include the time you had spent working yourself on the place, or not? A No.

Q You mean that much besides that? A Yes, sir.

Q Now, you were married in '91 I believe you said, Kilgore, Texas?

A Yes, sir.

Q What was your wife's name when you married her? A Isabelle Martin.

Q After you married did you ever own a home anywhere in the state of Texas? A No, sir.

Q Did you ever own a place anywhere except in the Cherokee Nation?

A No, sir.

Q What did you buy this place for?

Mr. Hastings: I object to that.

Com'r Needles: Note the objection.

Q I asked you why you bought the place?

Mr. Hastings: The attorney for the Cherokee Nation objects to this question.

A I bought it for a home to live on.

Q What was your intention at the time you bought the place, at the time you bought it with regard to making it your home?

Mr. Hastings: The representatives of the Cherokee Nation object to this question for it is clearly inadmissible.
Com'r Needles: Let the objection go down; the witness will answer.

Q What was your intention when you bought this place with regard to coming to the Territory and live on it? A I came in the fall after, when it was so I could come, get rid of stock I had there; make improvements on it before I could live on it.

Q What did you do after you bought this place with regard to following up that intention, you may state what acts you did both in Texas and here? A All the funds I had I put them on the place; I sold stuff to get moneys to improve the place.

Q Did you invest any moneys anywhere else except on that place? A No, sir.

Q Now, after you married your wife and bought this place, or after you bought this place and came to the Cherokee Nation here first, did you ever vote in the Cherokee Nation? A Yes, sir.

Q Did you ever vote in the state of Texas after you married? A No, sir.

Q Were you ever called to sit on the jury? A I was called on and I told them I wasn't a citizen of Texas and they would not receive me.

Q Did you tell them where you were a citizen? A Yes, sir.

Q Where did you tell them? A Cherokee Nation.

Q Were you excepted from sitting on the jury? A Yes, sir.

Q Well, now, was it or was it not your intention from the time you bought this place to make your permanent home?

Mr. Hastings: That I object to; the facts are the things to show about this case.

Mr. Smith: He can testify as to what his intentions were.

Com'r Needles: The objection will be noted and the question answered.

Q Have you voted in the Cherokee Nation? A Yes, sir.

Q Have you ever been issued any permits to employ labor in the Cherokee Nation? A Yes, sir.

Q Have you those permits? A I have a few of them.

Q Are these permits that have been issued to you? A Yes, sir.

Mr. Smith: If the Commission please, I desire to offer them.

MR. HASTINGS: You never were married according to the laws of the Cherokee Nation? A No, sir.

Q You have known always that you had no right to citizenship unless you married in accordance with the laws? A Yes, sir.

Q Then you knew that you yourself was not a citizen of the Cherokee Nation didn't you? A Yes, sir.

Q You knew that a white man in order to become a citizen must come here and get a license and marry in accordance with the laws of the Cherokee Nation? A I thought they had me as a doubtful citizen.

Q As a doubtful citizen? A Yes, sir, myself.

Q I mean before you applied here; you married in Texas in '91 didn't you? A Yes, sir.

Q You never did marry up here did you? A No, sir.

Q You knew you had to get out a Cherokee license and get out a petition for you to become a citizen by adoption? A Yes, sir.

Q Then you knew you hadn't done that didn't you? A Yes, sir.

Q Then you knew you weren't a citizen here? A Yes, sir.

Q You testified, now, you ~~had~~ voted here didn't you? A I did vote.

Q You voted when you knew you weren't a citizen, didn't you? A I don't know about that, I thought I was doubtful citizen.

Q I thought you just now testified that you knew you had to get a license here and marry according to the laws of the Cherokee Nation in order to become a citizen by adoption? (NO response.)

Q These permits here are all of your own name, aren't they? A Yes, sir.

- Q You are a white man? A Yes, sir.
- Q You weren't here when a single one of them were issued were you?
- A I was backwards and forth.
- Q Were you here when a single one of those permits were issued?
- A No, sir.
- Q What property did you have in 1891 in Texas? A Cattle and horses.
- Q How many? A '91?
- Q When you married? A About three horses and about 18 or 20 head of cattle.
- Q Then those three horses and them 18 head of cattle was all the property you had down there? A Yes, sir.
- Q You have got more property since? A I got more property up until '94, more cattle.
- Q Did this three head of horses and 18 head of cattle prevent you from coming up here for eight years? A I don't know about 18 head of cattle.
- Q But that amount of property prevented your coming here and permanently living for nine years did it? A No, not that amount at that time.
- Q Then you went on to getting more property down there? A I got more property up until '94.
- Q What kind of property was it? A Cattle.
- Q How many more cattle did you get? A I don't know how many.
- Q Well, now, if it was your intention to make this your home why is it instead of selling off your property you kept on acquiring property in the state of Texas? A Well, I could not come here the way the place was and live like it was in '94 and I had to do more to the home and fix it up so I could come.
- Q Well, could you add more to the home by living down in Texas from two to five hundred miles, or here; w it would be easier for you to add more if you had been right by it? A I could not come here at that time.
- Q Why? A On account of my stock unless I would have made a sacrifice of it.
- Q Well, when did you make a disposition of it? A And bring the remains here?
- Q Yes? A In February, 1899.
- Q That was when you and your wife moved here? A Yes, sir.
- Q You have lived here since that time? A Yes, sir, except I have made one visit to Texas to see my father since.
- Q How did you happen to refuse to sit on a jury down there in the state of Texas when you knew you had never been married in accordance with the Cherokee laws? A I wanted citizenship here.
- Q You weren't a citizen here, you knew that? A I refused, I told them my place, I claimed citizenship here.
- Q What year was that? A That was in, that was in '98.
- Q You never refused before that time? A They never called on me.
- Q What court was it? A District court.
- Q In what county? A Gray County.
- Q What time of the year? A It was first monday after Christmas.
- Q Well, you were getting ready then to come out here?
- A Yes, sir.
- Q Just a few days before you started? A Just about four weeks before I started.
- Q You were very anxious to get off the jury to make the trip?
- A I was all ready. I was waiting for a little cool weather come on so I could brand my cattle.
- Q How many cattle did you have then? A I had 44 head.
- Q Then you kept increasing instead of decreasing? A No, sir, I decreased since '94.
- Q How many did you have in 1894? A I had about 60 or 65 head.
- Q What did you give for that barn out there on that place?
- A I didn't have more than fifty head.
- Q What did you give for that barn out there on your place, you

first had made? A Fifty dollars.

Q Were you present and made the contract? A Yes, sir.

Q Who did you contract with? A With Martin Brothers; I paid them and they paid the hands.

Q Then you didn't contract with the man that built the barn direct?

A No, sir.

Q Q. Well, did you contract with any man that made improvements on the place? A Yes, sir.

Q Who did you contract with? A Greathouse.

Q What improvements did he make? A Made some fence and granary.

Q Did you pay the hands themselves direct or did you pay Martin Brothers? A I paid Martin, and what I could raise in Texas went to that.

Q You have never received any rents from that place until last year have you? A No, sir.

Q Did you keep house in Texas? A Yes, sir.

Q What town? A In the country near Kilgore, Texas.

Q How far from Kilgore? A About three and a half miles.

Q What direction? A It was about north-west I guess.

Q Do you swear you haven't voted in Texas since 1891? A I do; but mind you now that is a different precinct; I live in what was called Hogeye precinct.

MR. SMITH: Did you put any money into the place when you first came in 1894? A Yes, sir.

Q How much? A Four hundred dollars.

Q What you had with you at that time? A What I had with me, I paid three hundred more as soon as I went home, about three or four weeks about.

Q That was seven hundred? A Yes, sir, you might say I paid seven hundred down at the start, but about three hundred dollars I didn't pay for three or four weeks afterwards.

Com'r Needles: This testimony will be made part of the record in Cherokee doubtful card #620.

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J. O. Hosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Hosson

Subscribed and sworn to before me this November 8th, 1901.

[Signature]

Commissioner.

COMMISSION TO THE CIVILIZED TRIBES.

FILED IN
NOV 11 1901

ACTING CHAIRMAN

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D 680

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of Isabella C. McCormie, for the enrollment of herself and children as citizens of the Cherokee Nation:

Applicant and her attorneys were notified by registered letter February 13, 1902, that the application of Isabella C. McCormie for the enrollment of herself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902.

Receipt has been acknowledged of the Commission's letter, and the applicant this day appears by her attorneys Mellette & Smith.

There is offered in evidence by the attorneys for the applicant a certified copy of an act to re-admit Patsey M. Martin, and others, to citizenship in the Cherokee Nation. The same is filed herewith.

The attorneys for the applicant and the representative of the Cherokee Nation present submit the case, and the same is ordered closed, and reported to the Commission for final decision based upon the evidence now of record.

The attorneys for the applicant request and will be granted fifteen days in which to file a brief in this case, one copy with the Commission, and one with the representatives of the Cherokee Nation.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes.

Muskogee, I. T., May 9, 1902.

In the matter of the application of
Isabella McCormie, et al, for enrollment
as citizens of the Cherokee Nation.

Cherokee D. 620.

Brief on behalf of the Cherokee Nation.

The testimony in this case discloses the fact that Isabella McCormie was admitted to citizenship in the Cherokee Nation in 1890, while she was still a resident of the state of Texas. The act was a conditional act providing for their return and location in the Cherokee Nation.

The testimony further discloses the fact that when they heard that there was a large amount of money to be paid out in 1894, that a short time previous to that time, in the fall of 1893, she, her husband and minor child, came to the Cherokee Nation and as soon as they drew their Strip money immediately returned to Texas, and returned and took up a permanent location in the Cherokee Nation in February 1899.

Under these conditions the Cherokee Nation most earnestly contends that they should be rejected for three reasons:

First. That they have not complied with the condition of their re-admission as contemplated by the act by immediately removing to and permanently locating in the Cherokee Nation.

Second. The act of December 4th, 1894, required all persons who had heretofore been re-admitted to citizenship in the Cherokee Nation to remove to and locate within the limits of the Cherokee Nation within six months after the passage of the act.

Third. The act of Congress giving this Commission jurisdiction provides that no person shall be enrolled who has not heretofore removed to and in good faith settled within the limits of the Cherokee Nation.

The testimony shows that on June 28th, 1898, they were residents of the state of Texas, and that they did not remove to the Cherokee Nation for the purpose of locating here until February, 1899.

The husband of the applicant, who is a non-citizen, tried to claim in his testimony that he refused to sit on a jury in the state of Texas a short time before he left there because he was a citizen of the Cherokee Nation, when he himself knew that he was not a citizen of the Cherokee Nation, because he had never married in accordance with our laws. He also claims in his testimony that he voted in the Cherokee Nation, when he admits that he was not a citizen of the Cherokee Nation, and therefore the vote was illegal; as was it also illegal for the Clerk to issue him permits as he said in his testimony. Of all of the excuses assigned for not returning to the Cherokee Nation perhaps his is the most flimsy. He claims that he had great property interests in the state of Texas which he could not afford to sacrifice. He had three head of horses and eighteen cows, but instead of getting rid of them the number continued to increase, and when he came to the Cherokee Nation in February, 1899, he testifies that he had forty-four head of cattle. Hence we see that his stay in the state of Texas was not for the purpose of getting rid of his cattle; but he was a citizen of the state of Texas and must have continued to exercise all the rights he had previously enjoyed. He married his wife there, and had a home there. It is true he had a farm in the Cherokee Nation, but he paid very little upon it, and as the testimony shows the improvements were practically made with the rents from year to year off of this farm. The testimony shows that when he purchased the farm in the fall of 1894 he paid less cash down than he got Strip money from the Cherokee Nation, because the two shares of his wife and child amounted to \$531.70.

We do not see how under any theory of this case that this family is entitled to be enrolled. Certainly he was not here on June 28, 1898; and it is nowhere contended in the testimony that he

sherr

ever moved to the Cherokee Nation and permanently located until February, 1899. We contend that under the act of re-admission itself the woman is not entitled to be enrolled; that they are not entitled, under the act of December 4th, 1894, which requires all persons who had been previously readmitted to return within a given time; and finally under the act of Congress, which provides: "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship", they are not entitled to be enrolled.

Respectfully submitted,

Attorney for the Cherokee Nation.

W H M

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Isabella C., Bonnie C., Earl, John B., and Rosa M. McCormic as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 17, 1900 Isabella C. McCormic appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment, among others, of herself and four minor children Bonnie C., Earl, John B., and Rosa M. McCormic as citizens by blood of the Cherokee Nation.

Further proceedings in the matter of said application were had at Vinita, Indian Territory on October 29, 1901, and on March 1, 1902 at Muskogee, Indian Territory. The other party to the application is differently classified, and is not embraced in this decision.

The evidence shows that Isabella C. McCormic was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on December 4, 1890 under the name of Isabella C. Martin. She is identified on the 1894 Pay Roll of the Cherokee Nation.

The evidence further shows that the said Isabella C. McCormic, and her four minor children herein applied for, removed to and became permanent residents of the Cherokee Nation in February, 1899; that they did not remove to and in good faith settle in the Cherokee Nation, or Indian Territory, prior to June 28, 1898, and that said minor children were all born in the state of Texas. The minor child, Bonnie C. McCormic, is identified on the 1894 Pay Roll of the Cherokee Nation. The three minor children Earl, John B., and Rosa M. McCormic are identified by affidavit of birth filed with this Commission.

The evidence further shows that all those embraced in this decision were residents of the Cherokee Nation at the date of the application herein.

The authority of the Commission herein is defined in paragraph nine, section twenty-one of the Act of Congress, approved June 28, 1898, (30 Stats., 495):

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for enrollment of Isabella C. McCormic, Bonnie C.,

McCormic, Marie McCormic, John B. McCormic, and Rosa M. McCormic
as citizens by blood of the Cherokee Nation should be denied, and
it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

Dated at Muskogee, Indian Territory
this JUL 29 1902

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Isabella C., Bonnie C., Earl, John B. and Rosa M. McCormie, as
citizens by blood of the Cherokee Nation:

D E C I S I O N

The record in this case shows that on October 17, 1900, Isabella C. McCormie appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment, among others, of herself and minor children, Bonnie C., Earl, John B. and Rosa M. McCormie, as citizens by blood of the Cherokee Nation. The other parties to said application are differently classified and are not embraced in this decision. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 29, 1901, and at Muskogee, Indian Territory, on March 1, 1902. On July 29, 1902, the Commission rendered a decision in the matter of said application and forwarded the same to the Department of the Interior for approval, and, on August 29, 1902, the Department approved said decision of the Commission. Under date of July 11, 1903, the Department returned the record in said case to the Commission for readjudication.

The evidence shows that the applicant, Isabella C. McCormie, was admitted to citizenship in the Cherokee Nation by the duly constituted authorities thereof on December 4, 1890, under the name of Isabella C. Martin. She is duly identified on the 1894 Strip payment roll of the Cherokee Nation. All the other applicants herein are the minor children of the said Isabella C. McCormie. The applicant, Bonnie C. McCormie, is identified on the 1894 Strip payment roll of the Cherokee Nation and said other applicants are identified by birth affidavits filed with and made a part of the record herein.

The evidence further shows that the applicant, Isabella C. McCormie, together with her husband, came to the Cherokee Nation in 1894 and purchased improvements therein and that, to all intents and purposes, located in the Cherokee Nation at that time.

Stop

Cherokee D #620

It is, therefore, the opinion of this Commission, following the decision of the Department in the case of Joseph D. Yeargain et al., Cherokee D #937 (I.T.D. 2900-1903), that the said Isabella C. McCormie, Bonnie C. McCormie, Earl McCormie, John B. McCormie and Rosa M. McCormie should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Dink

Chairman.

(SIGNED)

T. B. Needham

Commissioner.

(SIGNED)

C. B. Breckinridge

Commissioner.

(SIGNED)

J. E. C.

Commissioner.

Muskogee, Indian Territory,

this OCT 22 1903

BEFORE THE DEPARTMENT OF THE INTERIOR
WASHINGTON.

Sept 10 1903.

In the matter of the application for the enrollment of Isabella C. McCormic as a citizen of the Cherokee nation.

Cherokee D # 620.

Reply to applicants motion for a new hearing.

Comes now the Cherokee Nation and respectfully resists the motion for a new hearing filed by the applicant in this case, for the reason that no sufficient grounds ~~are~~ are assigned in said motion requesting that a new hearing should be granted in this case and for the further reason that the "Yeargain case" is not a parallel case with the one at bar, because in the Yeargain cases the applicants were upon every roll made by the Cherokees since their birth, and always lived within the limits of the Cherokee Nation where they retained valuable personal property and their farms, where they lived until some four or five years ago when they went into business across the line into the state of Missouri, within a stones throw of the Cherokee Nation and while in business in Southwest City Missouri they retained valuable personal property in the Cherokee Nation where they always voted and took part in Cherokee Governmental affairs.

Respectfully,

William H. Long
Attorney for the Cherokee nation.

REGISTRY RECEIPT

Post Office at *Philipsburg*

Registered Letter No. *52* Recd *4* *1907*
Parcel

at *Philipsburg* for the *Philipsburg*
Pa

addressed to *Dr. J. L. Worthington*
Namula, D. C.

J. L. Worthington, P. M.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Isabella C. McCormick
for enrollment as citizens of the Cherokee Nation

No. Ch. D. 670

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

AFFIDAVIT TO SHOW
SERVICE.

This day personally appeared before me the undersigned a Notary Public within and
for the Northern District of the Indian Territory, R. G. Zimmerman, who being by me first duly
sworn on oath states, that his age is ^{thirty}~~thirty~~ years and that his postoffice is Vinita, Indian
Territory, and that on the 11th day of Sept 1903
he deposited in the United States postoffice at Tahlequah OK
an envelope containing a true copy of the instrument hereto attached and he hereto attaches
the receipt of the postmaster at said postoffice showing that he received said package to be
duly registered and mailed to Isabella C. McCormick
whose postoffice is Fatola Nawata Indian Territory,
~~and attached to this affidavit is the registry return receipt duly signed by the applicant show-~~
~~ing that said envelope containing a true copy of the instrument hereto attached was received~~
~~by the said applicant.~~

R. G. Zimmerman

Subscribed and sworn to before me this 11th day of Sept 1903

J. V. Case
Notary Public.

Department of the Interior,
RECEIVED.

SEP 14 1903

Enc. No. 1 of No. 617
Indian Territory Division.

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Wm. L. Smith

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CD No 620

Isabella C. M. ^{Enslin}

is

Cherotten Watson

Copy

Brief of Ap-
pleants

Melrose Smith
Att'y for Appellants

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 620.

Muskogee, Indian Territory, July 29, 1902.

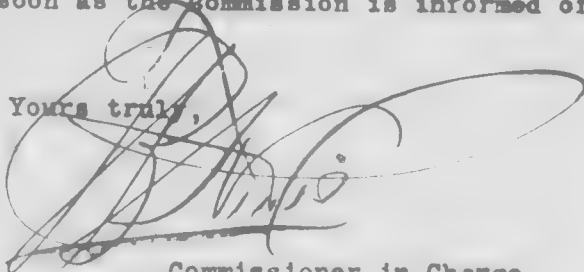
W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Isabella C. McCormic for the enrollment of herself and her four children, Bonnie C., Earl, John B. and Rosa M. McCormic, as citizens by blood of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Commissioner in Charge.

Enc. C. No. 116.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFERS IN REPLY TO THE FOLLOWING

Cherokee D 620.

Muskogee, Indian Territory, September 17, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Isabella C. McCormic for the enrollment of herself and her four minor children, Bonnie C., Earl, John B. and Rosa M. McCormic, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFERS IN REPLY TO THE FOLLOWING



Vinita, Indian Territory, January, 10, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 20, 1902, rejecting the application of John Helveston for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation was affirmed by the Secretary of the Interior on December 22, 1902.

Respectfully,

Acting Chairman.

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DEPARTMENT OF THE INTERIOR. PHE
WASHINGTON.

I.T.D. 4993-1902.
8017-1903.

September 23, 1903.

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Mr. W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Sir:

Referring to your letter of September 11, 1903, there is returned herewith the reply to motion "recently filed by applicants with the Department in the case of Isabella C. McCormic et al", applicants for enrollment as citizens of the Cherokee Nation, said reply having been served upon McCormic and not upon the attorney for the applicants.

You are advised that on July 11, 1903, the Department ordered a rehearing in this case. If the argument herewith returned is in reply to any motion made upon action by the Commission to the Five Civilized Tribes since that time, the Department has no information concerning it.
Respectfully,

1 inclosure.

H. O. ...
Acting Secretary.

D 620

IN THE MATTER OF THE APPLICATION OF

Leah C. Mc Linn et al.

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Transferred to R-687

Attest *R*

CLERK OF THE DISTRICT COURT
WITHIN THE CHEROKEE NATION.

under seal 1883.

Cher D 621

Cher D 621

Department of the Interior.
Commissioner to the Five Civilized Tribes.
Nowata, I. T., October, 17, 1900.

In the matter of the application of Anna P. Reynolds for the enrollment of herself, husband and one child as Cherokee citizens; she being sworn and examined by Commissioner T. B. Needles, testified as follows-

- Q What's your name? A Anna P. Reynolds.
Q What's your age? A 38.
Q What's your postoffice? A Afton, I.T.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes.
Q By blood? A Yes sir.
Q What degree of blood? A 1/4.
Q Cherokee? A Yes sir.
Q For whom do you apply for enrollment? A Myself, husband and child.
Q Is your husband present? A No sir.
Q He's a white man is he? A Yes sir.
Q What's your husband's name? A Thomas M. Reynolds.
Q How old is he? A He's about 38.
Q Have you a certificate of marriage to him? A Yes sir.
The applicant presents a duly authenticated marriage license and certificate of marriage, certifying that she was married to one Thomas M. Reynolds under the name of Mrs. A. P. Cromwell, on the 2nd of November, 1895.
Q What's the name of your child? A Zeddie Roe Cromwell.
Q How old is he? A 11.
Q What's the name of your father? A Tom Rogers.
Q Is he living? A No sir.
Q What's the name of your mother? A Susie Cochran.
Q Wasn't her name Rogers? A Yes.
Q Her maiden name was Cochran? A Yes sir.
Q Is she living? A No sir.
Q What was your maiden name? A Rogers.
Q Were you married before you were married to Mr. Reynolds? A Yes sir, I was married to Cromwell first.
Q What was his name? A Zed. D. Cromwell.
Q Is he living? A No sir.
Q Did you marry Mr. Reynolds after the death of Mr. Cromwell? A Yes, he died in '89.
Q Was he a Cherokee citizen by blood? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life, I guess.
Q Are you living with your husband Mr. Reynolds? A Yes sir.
Q Is Zeddie R. Cromwell living? A Yes.
1880 roll: page 168, #8505, Anna Rogers, Cooweescoowee
1895 roll: page 328, #268, Thomas M. Reynolds, Cooweescoowee.
1896 roll: page 245, #4114, Annie P. Reynolds, "
1896 roll: page 138, #1179, Zeddie R. Cromwell, "
Q Your maiden name was Anna Rogers? A Yes sir.
Q You afterward married who? A Zed Cromwell.
Q And then your second marriage was with Mr. Reynolds? A Yes sir.
Q Only been married twice? A Been married three times.
Q Who was your second husband? A My first husband name was William Hildebrand; he was a Cherokee.
Q Was you divorced from him? A He got a divorce in Colorado.
Q After the divorce was gotten you married Mr. Cromwell? A Yes.
Q Did you live with Mr. Cromwell till his death? A Yes.
Q Your marriage to Mr. Reynolds was after the death of Mr. Cromwell? A Yes.

Representative J. H. Starr, of the Cherokee Nation-

- Q Do you know where the divorce was granted in Colorado? A No sir.
Q What town he is in? A I don't know anything about him.

Commissioner-

- Q Do you know there was a divorce? A As far as what he says, I think

2- A. P. R.

think there was.

Q How long were you married to Mr. Crowell? A Nearly two years.
Q That was after the marriage with your first husband? A Yes sir.
Q Where were you married to Mr. Crowell? A At Catonsville.
Q Did you ever make any effort to know there was a divorce granted?
A I tried to find him before I married Crowell, but we couldn't find him. He had been gone so long; we didn't know where he was, or if he was alive, and they advised me to go ahead and marry. We were both fools.

The name of Anna P. Reynolds appears upon the authenticated roll of 1890 as Anna Rogers. She is duly identified as the identical Anna P. Reynolds, whose name appears upon said roll as such; and also upon the Census roll of 1896 as Annie P. Reynolds. She avers that she was married in 1895, Nov. and, to Thomas M. Reynolds, a white person, and presents satisfactory proof of marriage. The name of Thomas P. Reynolds appears upon the Census roll of 1896. She also avers that she was married to one Ned. Crowell in the year 1897, and by said Crowell, she has one child, named Zeddie R. Crowell, whose name appears upon the Census roll of 1896, the said Ned. Crowell, her first husband, being deceased. She also avers that she had a former husband, her first marriage, to one Hildebrandt, but she presents no certificate of divorce or proof of divorce between herself and said first husband. The fact of divorce or legal separation would deprive the citizenship of her present husband; consequently, the admission of the application for the enrollment of her said husband, Thomas M. Reynolds, will be suspended and his name will not appear upon the said card, awaiting proof as to the legal separation of the said applicant with her first husband. Said Anna P. Reynolds said her child Zeddie R. Crowell, having been duly identified and having made satisfactory proof as to their residence, will be duly listed for enrollment as Cherokee citizens by blood.

Ed. A. Stenographer, being a white man, states that as stenographer to the Commission to the Five Civilized Tribes, he reported upon the same and found in the above case, and that the foregoing is a true and correct statement of the stenographer's notes in the case.

Ed. A. Stenographer

Subscribed and sworn to before me this 17th day of October,

[Signature]
Commissioner.

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REPORT OF THE COMMISSIONER
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 3, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Thomas M. Reynolds for the enrollment of himself as a Cherokee
citizen.

Appearances:

V. H. Jennings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter
February 15, 1902, that his application for the enrollment of
himself as a citizen of the Cherokee Nation would be taken
up for final consideration by the Commission at its offices
in Muskogee, Indian Territory, on the 5th day of March, 1902,
and that on said date he might appear before the Commission
either in person or by attorney when an opportunity would be
given him to introduce any further testimony affecting his
case; the attorney for the applicant, J. S. Davenport, of Vinita,
I. T., requests and will be allowed 15 days in which to file
brief. (Applicant's attorney not present.)

The attorney for the applicant and the representative
of the Cherokee Nation submit the case and same is ordered
closed and reported to the Commission for final decision
based upon the evidence now of record.

M. D. Green, being sworn, certifies that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
proceedings in this case and that the foregoing is a true and
complete transcript of his stenographic notes thereof.

M. D. Green
Stenographer.

Department of the Interior,
Commission to the Five Civilized Tribes.

Muskogee, I. T., Mar 8th, 1902.

In the matter of the application of
Thomas E. Reynolds for enrollment as
a citizen of the Cherokee Nation by
intermarriage.

Cherokee D. 621.

BRIEF ON BEHALF OF THE CHEROKEE NATION.

.....

Anna P. Reynolds, the wife of the applicant, appeared before the Commission on October 17, 1900, and applied for the enrollment of herself and her husband as citizens of the Cherokee Nation, she by blood and her husband by intermarriage.

The testimony in this case discloses the fact that she has been twice previously married. The first time to William Hilderbrand, from whom she had separated, but she contended at the time she applied that the said William Hilderbrand had secured a divorce in Colorado, and she was requested by the Commission to file a copy of the decree of divorce, but none has been filed by the applicant. And the brief of counsel for applicant practically admits that there was no divorce granted. It is now insisted that because of the long absence of William Hilderbrand he was presumed to be dead, and that therefore his wife was free to contract her marriage with Thomas E. Reynolds, her present husband. But the act of Congress authorizing the making of this roll by the Commission directs the enrollment be made in accordance with the Cherokee customs and laws, and Section 687 of the Compiled Laws of the Cherokee Nation, 1892, which is also found in the compilation of 1880, which shows that it was enacted prior to that time and therefore prior to Anna P. Reynolds' separation from her first husband, is as follows: "No marriage shall be contracted while either of the parties has a husband or wife living". It will be observed that the testimony is very meagre about any search having been made for the supposed dead husband. And we do not believe that

the Commission, ~~xxx~~ even if it takes the other view of the law, or in other words, if it decides that the absence of so many years is a presumption of death, will decide that the facts in this case warrant a presumption of death of the first husband of Anna P. Reynolds, for the reason that she must have known his whereabouts; she must have known that he went to Colorado, because she testifies that he secured a divorce from her there; and her testimony with reference to her search for him is entire-

ly too ~~insufficiently~~ meagre to justify the inference that she thought he was dead. The Commission will observe from the testimony that she attempted to conceal the fact that she had been previously twice married, and when asked about her former ~~marriages~~ marriages she only gave one until the direct question was asked her.

Another suspicious circumstance connected with this enrollment, which should go to the credibility of the person making the application, is that her home and post-office is Afton, T. T., and instead of making this application at Fairland, about eight miles on the east, or at Vinita, about twelve miles on the west, or at Chelsea, some thirty miles on the west, she preferred to go to Nowata, a distance of some fifty or sixty miles west of Afton. We contend that the testimony in the first place is entirely insufficient for the presumption of the death of William Hilderbrand; but upon the other hand his wife must have known that he was living, because she says in one breath that he secured a divorce from her and in the next she attempts to excuse herself on the ground that they were both Indians. Hence we must conclude that his death must have been an after thought on her part. But the Cherokee law above quoted forbids the marriage of any person while either has a husband or wife living. And we contend that the wife of applicant was not free

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to contract marriage with him, and therefore his marriage to her was illegal, and conferred no rights of citizenship upon him by intermarriage.

Respectfully submitted,

Attorney for the Cherokee Nation.

W. H. N.

D-621.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 14, 1902.

In the matter of the application of Thomas M. Reynolds for
enrollment as a citizen of the Cherokee Nation.

SUPPLEMENTAL TO D-621.

APPEARANCES:

J. S. Davenport in behalf of applicant.

W. W. Hastings in behalf of Cherokee Nation.

ANNA P. REYNOLDS, being first duly sworn, testified as
follows:

MR. DAVENPORT: What is your name? A Anna P. Reynolds.
Q Where do you live, Mrs. Reynolds? A Afton.
Q How long have you lived in the Cherokee Nation? A Nearly all
my life.
Q If you ever lived outside of the Nation how long did you live out
and when? A Why I don't remember; I was a baby.
Q Oh, yes; what's the name of your present husband? A Thomas M.
Reynolds.
Q Were you married before you married Thomas M. Reynolds? A Yes,
sir.
Q To whom were you first married? A William Hilderbrand.
Q Did he and you separate? A Yes, sir.
Q When did you separate, Mrs. Reynolds, or about what year is what
I want to get at? A About the summer of '83 or '82.
Q Do you know what became of him at that time or where he went
to after you separated? A Yes, sir, he went out to Colorado.
Q Do you know whether or not he ever - that is, got a divorce or
have any official notice of it? A No, sir.
Q Did you ever get any communication at the time or anything with
reference to his divorce? A I only heard from some parties that he
was dead first, and then I heard that he had a divorce.
Q Well you never had any official notice at all of the divorce? A
No, sir.
Q Well after you separated in 1882 when did you next see Hilderbrand,
if at all? A I never seen him any more.
Q Never have seen him since that time? A No, sir.
Q Well how long was it after your separation then until you heard
that he was living or where he was living? A I don't know; when I
was in Nowata to enroll; I don't remember what - when I was up there;
don't remember the date.
Q Well hadn't you heard from him from the time you separated in 1882
up to the time you applied for enrollment to the Dawes Commission?
A No, sir.
Q How did you learn that he was living or where he was living; in
what way is what I want to get at? A Why through Jesse Cochran.
Q Well do you know whether or not he came down to make application
for enrollment and in what way you learned it? A Yes, sir, that's
the way I learned it.
Q After you and Hilderbrand separated what year was it you were
married to Mr. Crowell? A April 25, 1888.
Q You lived with Mr. Crowell till the time of his death did you?
A Yes, sir.
Q Did you live continuously in the Cherokee Nation with him? A
Yes, sir.
Q What was his citizenship? A Cherokee.
Q Then from the time of Mr. Crowell's death up to the time you
and Mr. Reynolds were married you still hadn't heard anything from

Hildertrend as to where he was living or whether he was living or not had you? A No, sir.

Q What was the date of you and Mr. Reynolds' marriage, do you remember? It was given in there, but I don't remember. A It was '85, I think it was November 2 or near there, sometime; I don't remember the exact date.

MR. HASTINGS: Where were you living when you and Mr. Hildertrend separated? A In Colorado.

Q You were living in Colorado? A I wasn't living out there; he was living out there and I went out there and stayed three weeks and came home.

Q You left him out there? A Yes, sir.

Q At what place did you leave him? A Pueblo.

Q For long had you been out there yourself? A When we separated?

Q Yes. A Something near three weeks; he was out there quite a while before I went out there, and he went out there for his health.

Q When was it he went out there? A We were married in November, and he went out in the following May I think it was.

Q What year? A Sometime in the spring; we were married in '82 and in '83 that he went out.

Q Then was that the same year that you went out to join him in '83?

A Yes, sir, the fall.

Q You then left him in Pueblo and came home? A Yes, sir.

Q Did you leave him then for the purpose of leaving him permanently or just come home on a visit or business trip? A No, I left him there to leave permanently.

Q To leave permanently? A Yes, sir.

Q What was he doing when you left him there? ~~Working~~ Was he engaged in any permanent occupation? A Not that I know of.

Q Did he work at anything particularly, do you remember, when you left there, when you were out there? A Well I think he went up some of those mountain towns to work, but I don't know what he did afterwards, I don't know.

Q How long was it after that time that you heard from him; you didn't correspond did you? A No.

Q Never wrote to him? A No, sir.

Q Nor he never wrote to you? A No, sir. I didn't -

Q Well I say you never wrote to him either? A No.

Q You separated for good and you came on back to the Cherokee Nation? A Yes, sir.

Q You never made any inquiry about him in the way of correspondence?

A No, sir.

Q You never wrote to the postmaster out there? A No, sir.

Q The fact of the business is you didn't care anything about him?

A I didn't care what became of him; I didn't care anything about him.

Q You never took any occasion to make any inquiry of any nature about him? A No, sir, I never did, except the first payment, I have forgotten what payment it was, but it was the time they paid out the precincts, I think they drew thirteen dollars and something, we drew, I don't remember the year when it was, but I was teaching the school at Coody's Bluff and they wanted to know if I wanted to draw his money, and I told them no, I didn't want to.

Q They had a payment in 1886, there was a payment made in 1887 and 1888, but the one to which you have reference was in 1886, it was made at the precincts, just little due bills or something of that sort? A Something of that kind.

Q Didn't tell you that he was entitled to draw that time did they?

A Yes, sir, his name was on the rolls, and they wanted to know if I wanted to draw it, and I told them no.

Q Up to your marriage to Mr. Ormswell, before that hadn't you no - you married him in 1886? A Married him in 1888 at Oatman.

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Q Well you never heard directly that he was dead from any source?
A Indirectly, I just heard it indirectly, around about way.
Q Just come round around over the country? A No, sir.
Q You don't remember who you heard that from? A No, it's been so long ago.
Q It didn't purport to come direct from him or out there, just through the neighborhood? A Yes, sir.
Q You never wrote out there to see whether that was confirmed or not or anything of that kind? A No, sir, didn't pay any attention to it.
Q You never asked my friends about Vinita or in Coconino District as to whether that was true or not? A No, sir.
Q Do you remember,
Q Do you remember from whom you heard he was dead, you heard the report? A No, sir.
Q Well now how long after that was it you heard he was married or when did you hear he was married? A Well I don't know; I have heard somewhere that he was married, and then sometimes that he was dead, but I didn't know that he was really and truly married until recently.
Q Have you any idea when you heard the first rumor that he was married? A Why it was just before I married Mr. Greenwell, the first rumor.
Q Then you heard he was married then? A Yes, sir.
Q That must have been in 1887 or 1888; you married him in 1888?
A Married him in '88.
Q You never heard that disputed after that? A No, sir.
Q But you afterwards heard that it was confirmed? A Yes, sir, but I didn't ask any questions about him; I didn't care anything about him.
Q You never took any occasion to make any inquiry about him? A No.
Q Well you know now from what you have learned since that he continued to live in the State of Colorado, don't you? A Yes, sir.

T. W. REYNOLDS, Deputy Sheriff duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A T. W. Reynolds.
Q You are the husband of Anna P. Reynolds? A Yes, sir.
Q When was it and you married; do you remember the date? A November 2, 1895.
Q Were you married according to the Cherokee law? A Yes, sir.
Q Now since that time I will ask you if you have enjoyed the rights up till the time the Cherokee law was taken away of a citizen by adoption of the Cherokee Nation? A Yes, sir.
Q Did you take any part in the elections or any of the affairs of the Nation wherein you were allowed to participate as a citizen? A I voted, paid taxes as a merchant.
Q When you married did you get a petition and get the Cherokee license? A Yes, sir.
Q You got a license to be married according to the Cherokee law? A Yes, sir.
MR. HASTINGS: You voted in '95 or '99? A I couldn't remember. I voted every election since I was married, Mr. Hastings.
Q You don't remember when they were? A No, I don't remember when they were.
Q Mr. Reynolds, both citizens and non-citizens do business up there in Arden where you live? A Yes, sir.
Q Mercantile business and other business? A Yes, sir.
MR. DAVENPORT: Were you living at Arden on June 25, 1899? A

He, sir.

Q Where were you living, what part of the Nation? A Gatson.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 20th day of June, 1902.

H. Renter
Notary Public.

CD.621.

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 83 1902

ACTING CHAIR

Thomas M. Reynolds)

vs-

Cherokee Nation.)

Before the Commission to the Five Civilized
Tribes, Commonly known as the Dawes Commission

No. 181.

BRIEF AND ARGUMENT OF APPLICANT.

The applicant in this case applies to be enrolled as an adopted citizen of the Cherokee Nation, by virtue of his marriage to Anna P. Crowwell, a citizen by blood of the said Nation; There seems to be no controversy as to the applicant having complied with the laws of the Cherokee Nation regulating the intermarriage with white men and foreigners, Sections, 659, 660, and 661. The evidence discloses a certificate of marriage duly authenticated, according to the Cherokee laws. And the only question raised in this case that Anna P. Crowwell, whose maiden name was Annie P. Rogers, was first married to William Hilderbrand, a Cherokee by blood, who left this country and went to Colorado many years ago. Mrs. Reynolds, the wife of the applicant, testified she tried to find the whereabouts of the said Hilderbrand, prior to her marriage to Crowwell and could not. The evidence does not disclose when she was married to Crowwell, but does disclose that she lived with Crowwell until his death, which was in 1889. On May 2nd, 1890, the laws of Arkansas relating to marriages, were put in force in the Indian Territory. Attention is called to section 4597 of Mansfield's Digest of the Statutes of Arkansas in force in the Indian Territory relating to length of time a wife or husband being absent from the State raises the presumption of death. And allows the parties to contract marriage. In this case the testimony discloses that William Hilderbrand had been absent from the Indian Territory for years prior to the death of Mr. Crowwell, who was the second husband of Mrs. Reynolds. And that she tried to find Hilderbrand and could not. That Crowwell died in 1889, and his wife, & now Mrs. Reynolds remained a widow until November, 1895, more than five years after the death of Crowwell and after the putting in force of the Arkansas laws in the Indian Territory relating to marriage. The applicant contends

that the second marriage of his wife to Grossell is who was a Cherokee by blood, and her living with him until his death without any knowledge as to the whereabouts of Hilderbrand, and her living single from the death of Grossell until November, 1885, after the adoption of the Arkansas law it without knowledge of Hilderbrand the whereabouts of Hilderbrand, under the law she had a right to presume the death of Hilderbrand and her subsequent marriage to applicant is good, valid and binding in law. The applicant is the first husband of Annie P. Reynolds, whose maiden name was Rogers, to whom she was married that was a citizen of the United States and not a Cherokee citizen by blood. The testimony in this case shows that the applicant complied with the laws of the Cherokee Nation, regulating the inter-marriage of white men and foreigners to Cherokee women, and that he has been recognized by the Cherokee Nation as an adopted citizen thereof. His name being a found upon the Cherokee Roll of 1886, as a citizen.

As the testimony shows that the applicant's wife had no knowledge at the time she applied for the enrollment of herself, child and applicant, as to the whereabouts of William Hilderbrand, but that subsequent to her application the said William Hilderbrand appeared before the Commission and made application to be enrolled as a Cherokee citizen, giving his present residence as being the State of Colorado. The applicant herein then investigated and procured from the Clerk of the Court in Colorado an authenticated copy of the marriage record, showing that the said William Hilderbrand had been married in that State.

The applicant also contends that he complied with all the requirements of the Cherokee law in regard to the inter-marriage of citizen women by blood and that he is entitled to be enrolled. *Native et al vs. United States, 124 U.S. 127, and cases cited.*

In view of the evidence in this case and the law upon which this applicant relies, we content that at the time applicant was married to his wife she was a competent person to contract marriage,

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Being & Agent

N. 621

Thomas M. Reynolds

Oct 26 1907

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Cher D 622

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE SIX CIVILIZED TRIBES.
NOVATA, I.T., OCTOBER 17th, 1900.

IN THE MATTER OF THE APPLICATION OF Arthur Dodge for the enrollment of himself, his wife and nine children as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breckinridge testified as follows:

- Q What is your full name? A Arthur Dodge.
Q How old are you? A Forty seven.
Q What is your Postoffice? A Novata.
Q In what district do you live? A Geowasseeowee.
Q Who is it you want to have put on the rolls; yourself and family?
A Yes sir.
Q Have you a wife? A Yes sir.
Q How many children? A Six; four by my first wife, and two by my last one: She has three by her first husband.
Q How many children in the family under twenty one years of age that you want to enroll now? A Nine.
Q Part by your first wife and part by your second wife?
A Yes sir.
Q And then you have some step children? A Yes sir.
Q Are you a Cherokee by blood? A No sir.
Q White man? A Yes sir.
Q What is your wife? A This wife is a Cherokee by blood; my first wife was a Shawnee.
Q Have you any marriage license and certificate to your first wife? A Yes sir.
The applicant presents a license, issued by the Clerk of Geowasseeowee District, August 24th, 1883, authorizing marriage between himself and Miss Nancy Jones; and the certificate shows that they were united in marriage on the same day by the Clerk of the District. This is filed herewith.
Q That was your marriage to your first wife? A Yes sir.
Q She was a Cherokee? A She was a Shawnee.
Q She is dead, is she? A Yes sir.
Q When did she die? A In 1891 to the best of my recollection.
Q Did you and she live together from the time of your marriage until she died, A Yes sir.
Q How old was she when she died? A I am sure I can not tell you.
Q How old was she when you married her? A She was about eighteen when I married her; so her sister tells me: I would have taken her for an older woman.
Q Were you ever married before you married that wife? A No sir.
Q Was she ever married except to you? A No sir.
Q Now, give me the name of your second wife? A Sarah Ella Ward, when I married her.
Q Was that her maiden name? A No sir; that was her widow name.
Q She was a widow, was she? A Yes sir.
Q What was her name before it was Ward? A McDonald.
Q Was that her maiden name? A Yes sir.
Q What is her father's name? A Jack McDonald.
Q Is he dead or living? A Dead.
Q Give me the name of her mother? A Jane McDonald.
Q Is she dead or living? A Living.
Q Is your wife's mother a Cherokee or white woman? A She is a Cherokee.
Q How old is your present wife? A Thirty one.
Q When did you marry her? A July 13th, 1892.
Q She is a Cherokee by blood, is she? A Yes sir.
Q Has she lived in the Cherokee Nation all her life? A Yes sir/
I think she has.
Q Was she ever married before except to her husband Ward?
A Her husbands were Ward and Smith; she was married twice.
Q Were they both dead when she married you? A I do not know.
Q Now give me the names of your children, please? A Ada Mary Dodge.
Q How old is that child? A Born July 28th, 1894.

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Q Next child? A James Jefferson Dodge.
 Q How old is he? A Fifteen.
 Q Next child? A Margaret Mahal Dodge.
 Q How old is that child? A Thirteen.
 Q Next child? A William Albree.
 Q How old is that child? A Eleven years old.
 Q Now the next child? A Jack Smith.
 Q How old is that child? A Fourteen years old.
 Q Next child? A Lenerah Ward.
 Q That is your wife's child by another husband? A Yes sir.
 Q How old is that child? A Nine.
 Q Next child? A Violet Ward.
 Q Is she by her husband Ward? A Yes sir. Born June 9th, 1893.
 Q Next child? A Alma Estella Dodge.
 Q How old? A Five years old.
 Q Next child? A Edella Dodge.
 Q How old? A Born April 12th, 1903.
 Q They are all living now, are they? A Yes sir.
 Q ~~Witness~~ ~~He~~ ~~and~~ ~~Alma~~ ~~R.~~ ~~and~~ ~~Edella~~ ~~are~~ ~~by~~ ~~your~~ ~~last~~ ~~wife~~ ~~your~~ ~~present~~ ~~marriage~~? A Yes sir.

Sarah Dodge, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your full name? A Sarah Dodge.
 Q How old are you? A Thirty one.
 Q Give me the name of your father? A Jackson McDonald.
 Q He is dead is he? A Yes sir.
 Q And your mother's name? A Jane McDonald.
 Q She is living, is she? A Yes sir.
 Q You have been married three times, have you? A Yes sir.
 Q Give me the name of your first husband? A Frank Smith.
 Q When did you marry him? A I married him fourteen years ago I believe this October.
 Q Was he a white man? A Yes sir: It was fifteen years ago; my oldest son is fifteen years old.
 Q Is he (Frank Smith) dead? A I guess he is dead; I do not know.
 Q How long did you live with him? A He has been gone fourteen years.
 Q You lived with him one year? A Yes sir.
 Q Were you ever divorced from him? A Yes sir.
 Q Did you get a regular decree of divorce? A No sir; he was sent to the penitentiary for three years, and that gave me the divorce: I went to the Judge and he said that granted me a divorce.
 Q Was he sent to the penitentiary after you had been married to him a year? A Yes sir; for three years.
 Q How long after you were married to him was he sent to the penitentiary? A Just about a year.
 Q You never got a decree of divorce? A No sir.
 Q What is the name of your second husband? A Aaron Ward.
 Q When did you marry him? A In 1896, I think it was.
 Q Was he a white man? A Yes sir.
 Q How long did you live with him? A Two years I think it was.
 Q And what then; did he die? A Yes sir.
 Q You lived with him until he died, did you? A Yes sir; he died.
 Q And then when did you marry your present husband? A In 1893.
 Q About 1893? A Yes sir.
 Q What was your name in 1890? A McDonald.
 Q You were in Illinois District in 1890, were you? A Yes sir.
 (1890 Roll, Page 553, 1129, Ella McDonald, Illinois D't)
 (1896 Roll, Page 302, 523, Arthur Dodge, Geo. District)
 (1898 Roll, Page 143, 1381, Ellen Dodge, Geo. District)
 (1896 Roll, Page 239, 1112, Aaron Dodge, Geo. District)

(1896 Roll, Page 339, #113, James F. Dodge, Coe. District)
 (1896 Roll, Page 339, #114, Margaretta M. Dodge, Coe. District)
 (1896 Roll, Page 339, #115, William A. Dodge, Coe. District)
 (1896 Roll, Page 339, #116, Alma E. Dodge, Coe. District)
 (1896 Roll, Page 339, #117, Jack Smith, Coe. District)
 (1896 Roll, Page 339, #118, Lenora Ward, Coe. Dist)
 (1896 Roll, Page 339, #119, Violet Ward, Coe. District)

Elizabeth Mallin, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your full name? A Elizabeth Mallin.
 Q How old are you? A Forty eight.
 Q What is your Postoffice? A Nowata.
 Q How long have you lived in the Cherokee Nation; all your life?
 A Nearly.
 Q Did you come here with the Shawnees? A Yes sir.
 Q You are a Shawnee by blood, are you? A Yes sir.
 Q Are you a full blood Shawnee? A Yes sir.
 Q Do you know anything about a woman named Nancy James, who married Arthur Dodge? A Yes sir.
 Q Was she kin to you? A She was my niece; my sister's child.
 Q What is her father's name? A John James.
 Q When did he die? A I do not know whether he is dead or not.
 Q Was he a white man? A Yes sir.
 Q What is her mother's name? A Jane James.
 Q Is she dead? A Yes sir.
 Q Was she a Shawnee woman? A Yes sir.
 Q A full blood? A Yes sir.
 Q When did she die? A About seventeen years ago.
 Q What was her name twenty years ago; when the roll of 1880 was taken: Was she called James then? A No sir; I think not.
 Q What was she called? A Gibbs.
 Q Did she bear any other name: Was she always known as James or Gibbs? A Yes sir.
 Q She never was known as Pumpkin, was she? A Yes sir; that was her father.
 Q Her maiden name was Jane Pumpkin? A Yes sir.
 Q Did Nancy James ever live in Tahlequah District? A Yes sir; she went to school there.
 Q Was she on the orphan roll there? A I think she was.
 Q Did Nancy have any other name besides Nancy? A That is all.
 Q That is all you know of? A Yes sir.
 Q Can you tell me any way by which I can find this woman on the roll of 1880: How she was enrolled there? A I can not.
 Q Was this Nancy James born here in the Cherokee Nation? A No sir.
 Q Where was she born? A In Kansas.
 Q When did she come here? A The same time the Shawnees came here.
 Q I am talking about the Nancy James that married this man, Arthur Dodge? A That is the one. She was a little girl when the Shawnees came.
 Q And did she live here all of her life up to the time she died?
 A Yes sir.
 Q Did you come along with them? A No sir; they came first/
 Q They came before you did? A Yes sir.

(1880 Roll, Page 184, #2189, Jane James Pumpkin, Coe. District)

Q Now Jane James Pumpkin was the mother of this woman who married Arthur Dodge, was she not? A Yes sir.
 Q And Arthur Dodge's first wife came here with that mother?
 A Yes sir.
 Q You know that? A Yes sir.

COMM. 220
The applicant applies for the enrollment of himself, his wife and nine children: His first wife died some years ago: She is shown to have been a Shawnee: She can not be identified on the roll of 1880, and she died before the roll of 1896 was made: Her mother is identified on the roll of 1880, and her aunt testified that the applicant's first wife came with her mother, with the Shawnees, and lived here until she died: Doubtless her name is on the roll of 1880, but we can not definitely identify it. After the death of that wife, the applicant married a second time, and he is identified on the roll of 1896, but his present wife, who is the wife of second marriage, while she is shown to be a Cherokee, and is identified on the roll of 1880; yet she had been married twice before, and she never procured a decree of divorce from her first husband. Therefore, the applicant's application for his own enrollment will be placed upon a doubtful card, he being classed as a Cherokee by intermarriage; and the final conclusion of the Commission will be communicated to him at his Postoffice address.

His present wife is identified on the rolls of 1880 and 1896, as a native Cherokee: She has lived in the Cherokee Nation all her life, and she will be listed now for enrollment as a Cherokee by blood.

The first four children named in the testimony, Adam, James J., ~~William~~ Margaret M. and William A. Dodge are the applicant's children by his first wife, a Shawnee: They are minors; are all living now, and they will be listed for enrollment as Cherokee Shawnees.

The next child, Jack Smith, is the child of the applicant's present wife by a former husband: This child is identified on the roll of 1896, and will be listed now for enrollment as a Cherokee by blood.

The two children, Lenora and Violet Ward are children of the applicant's wife by another husband: They are living now, and are identified on the roll of 1896: They will be listed for enrollment as Cherokees by blood.

The next child, Alma E. Dodge, a child of the present wife, is identified on the roll of 1896; is living now; and will be listed for enrollment as a Cherokee by blood.

When the Commission is supplied with a certificate of the birth of the child, Fidelity Dodge, also a child of the present marriage, this child also will be listed for enrollment as a Cherokee by blood.

The applicant has filed Cherokee license and certificate of his first marriage; and he is desired to secure, if possible, a copy of the decree of the divorce of his present wife from her husband Frank Smith; though the applicant's wife states that no divorce proceedings of a formal character were ever had.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before
me this 16th day of October, 1900.

COMMISSIONER.

"R"

Cherokee D 622

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 5, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the
application of Arthur Dodge for enrollment as a Cherokee citizen.

Appearances:

Applicant in person;

W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 13, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 5th day of March, 1902; receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: March 5th, 1902, appears in person.

ARTHUR DODGE, being first duly sworn and being examined testified as follows:

BY COMMISSION:

Q What is your name? A Arthur Dodge.

Q How old are you? A Soon be 49 years old.

Q What is your post-office address? A Delaware at present, live right above Nowata nine miles.

Q Are you an applicant before the Commission for enrollment as a citizen of the Cherokee Nation? A Yes sir.

Q Is there any statement you desire to make relative to your application for enrollment of yourself as a citizen of the Cherokee Nation? A I don't know; to tell the truth I don't know what grounds I am rejected on; what grounds I am held out on.

Q You were present when the original application for your enrollment was made to the Commission? A Only part of the time; when it was called up; then I stepped out and when I got back they had passed me over.

Q You were married before you married your present wife? A Yes sir.

Q Was your first wife dead when you married your last wife? A Yes sir.

Q Was your present wife ever married before she married you? A Yes sir, she was a widow when I married her.

Q Had she only been married once before? A Twice, I believe.

Q Were both of her husbands dead? A Yes sir, I think so; I understand both were dead.

Q You know whether they were or not? A Only by hearsay; I never knew either one of them, I always been told they were both dead.

BY MR. HASTINGS:

Q Who told you, your wife? A Yes sir.

BY COMMISSION:

Q Did your present wife live with her first husband until he died? A I presume so; I am not posted; I don't know anything about it at all.

Q Do you submit the case to the Commission for final consideration? A Yes sir.

BY COMMISSION. The applicant in his own behalf and the attorney for the Cherokee Nation on behalf of the Cherokee Nation submit the case, same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

I, M.D.Green, as stenographer to the Commission to the Five Civilized Tribes do hereby certify that I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D.Green

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COMMIS.

OF THE INTERIOR,
FIVE CIVILIZED TRIBES

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ACTING CHAIRMAN

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Sup'l to D 622-

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 11, 1902.

In the matter of the application of Arthur Dodge for the
enrollment of himself as a citizen by intermarriage of the
Cherokee Nation:

Applicant present in person;
Cherokee Nation, by J. C. Starr;

SUPPLEMENTAL TESTIMONY.

ARTHUR DODGE, the applicant, being duly sworn, and examined
by the Commission, testified as follows:

Q What is your name ? A Arthur Dodge.
Q What is your age ? A About 50.
Q What is your post office address ? A Nowata.
Q You are an applicant before the Commission for enrollment as a
citizen by intermarriage ? A Yes sir.
Q What is the name of your wife through whom you claim your right
to enrollment as a citizen by intermarriage of the Cherokee Nation ?
A Nancy Jane.
Q Were you ever married before you married her ? A No sir.
Q Was she ever married before she married you ? A No sir.
Q Did she ever live with anybody prior to her marriage to you ?
A No sir.
Q Wasn't she married to a man named Frank Smith ?
A No sir, that's my last wife.
Q Is your last wife a Cherokee ? A Yes sir, a Cherokee by
birth.
Q When were you married to your last wife ?
A The 13th day of July, 1893.
Q On the first day of July you were requested to furnish the
Commission with either the original or a certified copy showing your
marriage to your present wife, has that certificate been supplied ?
A No sir, but I have a couple of witnesses down stairs here, I
can produce to show as near as I can. That certificate was lost.
Q You were also requested to supply a certified copy of the decree
of divorce of your wife from Frank Smith, have you that ?
A No sir; I have witnesses to establish that fact; that he aban-
doned her; I thought it was impossible to get a copy of the di-
vorce.

C. L. BOWDEN, called as a witness on behalf of applicant, being
duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A C. L. Bowden.
Q What is your age, and post office address ?
A I am 58; I live at Fort Gibson, I. T.
Q Are you acquainted with the applicant in this case, Arthur Dodge ?
A Yes sir.
Q How long have you known him ?
A I have known him twelve or fifteen years.
Q What is the name of his present wife ? A Ella.
Q Was she ever married before she married the applicant ?
A Yes sir.
Q What was the name of her husband ? A Frank Smith.

Q How long did she and Frank Smith live together as man and wife ?
 A I don't know, sir, I think about a year.
 Q Were they divorced ? A Yes sir they were divorced.
 Q Where was the divorce granted ? A It was granted in Illinois District, at Garfield.
 Q Cherokee Nation ? A Yes sir.
 Q How do you know that a divorce was granted to applicant's wife ?
 A I was there at the court house at the time. Martin Bengo, my brother-in-law was prosecuting attorney, and he told me the divorce was granted. Ella Dodge is my step-daughter. He told me that the divorce had been granted.
 Q Have you any reason to believe that there never was any divorce granted ? A No sir, I am satisfied there was.
 Q Where is Smith now ? A The last I heard of him he was in Texas. He abandoned my step-daughter, and run off, and I heard that he was in western Texas.
 Q Is he married ? A I don't know.
 Q How long after the separation of Frank Smith and your step-daughter before she and applicant were married ?
 A I think two or three years.
 Q Was it generally understood in the community that the divorce had been granted ? A Oh yes sir, that was the understanding.
 Q Do you know anything about the marriage of the applicant and his present wife ? A No sir. They were not married at my place. They were married at Nowata.
 Q You didn't see the license ? A No sir.
 Q Do you know whether they have been living together continuously since the time they were said to have been married to the present time ? A Yes sir.
 Examined by J. C. Starr:
 Q Who was Judge of the court at the time you claim this divorce was granted ? A I believe it was Henry Meigs.
 Q Do you remember who was clerk of the court ?
 A Tommie Thornton, I believe.
 Q Is he living ? A No sir, he's dead.
 Q Is Mr. Meigs alive ? A Yes sir.
 Q Where does he live ? A At Port Gibson.
 Q Martin B. Bengo is living too ? A Yes sir.
 Q He lives at Port Gibson ? A Yes sir, lives at Port Gibson.
 Q You don't know of your own knowledge that this divorce was granted do you ? A No sir, only what Mr. Bengo told me. I was there and he told me that the divorce was granted. Mart told me--he's my brother-in-law--he told me that the divorce had been granted. And I haven't a question of it in my mind but what it was granted.

SUSAN COONS, called as a witness on behalf of applicant, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Susan Coons.
 Q How old are you ? A Fifty-four years old.
 Q What is your post office address ? A Delaware, I. T.
 Q Are you acquainted with the applicant in this case, Arthur Dodge ?
 A Yes sir.
 Q Do you know his wife ? A Yes sir.
 Q What is her name ? A I don't remember her given name.
 Q What was her name before she married Dodge ? A I don't know.
 Q Do you know anything about her marriage to Mr. Dodge ?
 A I knew that Mr. Dodge come to our house after the minister to go with him and marry him, and when he returned he said "They are now man and wife".

Q What was the name of the minister ? A Mr. Gunseaulis, J. B., he give his name.

Q Is he living now ? A No sir.

Q You didn't witness the ceremony ? A No sir.

Q Did you see the license ? A No sir, they didn't have a license then, I think. I seen them going and coming; I didn't see them married. I saw his certificate that they wrote out for him after they was married.

Q You did see that ? A Yes sir.

Q What has become of that certificate ? A I can't tell you.

Q Do you know whether he and his wife are living together at this time ? A Yes sir.

Q Where do they live now ? A On their place on Wolfe Creek.

Q How far is that from your place ? A Their place joins ours on the west; it is only a short distance.

Q They have been living together continuously from that time ?

A Yes sir, I have heard no complaint at all. I knew his first wife. He was always a peaceable, quiet man so far as I knew, with his family and with his neighbors.

Examined by J. C. Starr:

Q Did you read that certificate of marriage that you say you saw ?

A I read it, but I can't remember it now.

Q Who signed it ? A I did. I signed it in this way: that I knew he went there for that purpose; it was to show when he got him. He said there was a certificate to show that he married him, and that I knew what he went there for.

Q The minister wrote the certificate after he come back, and you signed it as a witness ? A Yes sir.

Q You weren't present, and didn't see the ceremony performed ?

A No sir. I saw him go and saw him return. They were all old acquaintances, and when he come back he said "I will show you my present". It was a five dollar bill he give him for marrying him, and told what it was for. The minister made his home with us while he was preaching in the nation.

By the Commission:

Q Do you know when this marriage ceremony was performed; what year ? A I think it was in 1893.

Q How long had you known applicant's wife before they were married ?

A I never knew her personally, but I had seen her pass, and knew who she was.

Q Do you know anything about her previous marriages ?

A No sir, I don't know anything about it.

Examined by J. C. Starr:

Q Did you know her before she was married to Dodge ?

A No sir. I am well acquainted with Mr. Dodge, and have been for years.

Q You don't even know her name now ?

A I don't know her given name. I have heard it many a time; not thinking that it would ever amount to anything I didn't charge my mind. I just remember the marriage because he come after the preacher and was in a kind of a hurry to get the ceremony over before the hands come in. It seemed to be a kind of a joke with the hands. It seemed that he wanted to kind of surprise them, and I remember it better on that account. There was others there.

GEORGE SMITH, called as a witness on behalf of the applicant, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A George Smith.
 Q How old are you ? A Thirty eight.
 Q What is your post office address ? A Delaware, I. T.
 Q Do you know Arthur Dodge, the applicant in this case ?
 A Yes sir.
 Q Do you know his present wife ? A Yes sir.
 Q What do you know about the marriage of Arthur Dodge and his wife ? A Well, I know I wasn't there at the time, but the preacher stayed at my place there, and he came for him and he went over there. I seen them going, and when he came back to my place he told me he was married.
 Q You didn't see the ceremony performed ? A No sir.
 Q Who married them ? A J. B. Gunsaulis.
 Q Was he staying with you at that time ? A Yes sir.
 Q What relation are you to this woman who has just testified ?
 A She is my mother-in-law.
 Q Did Gunsaulis tell you that he married these people ?
 A Yes sir.
 Q He is dead now ? A Yes sir.
 Q Has Dodge been living in your neighborhood since his marriage ?
 A Yes sir, on Wolfe Creek.
 Q He and his wife are living together ? A Yes sir.
 Q Have they always lived together since their marriage ?
 A Yes sir.

ARTHUR DODGE, the applicant, being recalled, testified as follows:

- Q How often has your present wife been married ?
 A I am her third husband, is my understanding.
 Q She testified in the case when you made the original application ?
 A I presume so. I wasn't present in the room at the time.
 Q You made the original application ? A Yes sir. I went out to see a witness, and I don't know what her testimony was.
 Q She testified that day that the name of her second husband was Aaron Ward ? A Yes sir.
 Q And that she was married to him in 1896 ? A She has got that wrong. It must have been 1896. I was married to her in '98. She had a child this big (indicating) when I married her--Ward's child.
 Q He was dead when you married her ? A Yes sir.

The Commission: The case will be continued for ten days from the date hereof, in order to allow applicant an opportunity to introduce testimony of Martin B. Dodge and Henry Meigs as to the separation of applicant's wife from her first husband Frank Smith.

H. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this August 12, 1902.

H. C. Bagwell
J. R. Ruster
 Notary Public.

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COMMISSION TO THE
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SHIRLEY D. BRYAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 28, 1902.

In the matter of the application of Arthur Dodge, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

SUPPLEMENTAL TESTIMONY FOR APPLICANT.

Appearances:

Applicant not present;

Cherokee Nation present by W. W. Hastings:

MARTIN B. BENGH, called as a witness, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Martin B. Benge.
Q What is your age? A About forty-five.
Q What is your post office address? A Fort Gibson.
Q Are you a recognized citizen of the Cherokee Nation?
A Yes sir.
Q Do you know the applicant, Arthur Dodge? A Yes sir.
Q How long have you known him? A I have known him ever since along about 1874, was the first time I saw him.
Q About how old is he? A Well I can't state how old he is. I guess, though, he is a man about as old as I am. I guess he is older.
Q Do you know his present wife? A Yes sir.
Q What is her name? A Ella Dodge.
Q How long have you known her?
A I have known her ever since she was a child. All her life.
Q Do you know how long Arthur Dodge has been married to his present wife? A I think--no I can't state; it was either in 1892 or 1893, or somewhere along there.
Q Was he ever married before he married his wife Ella?
A Yes sir.
Q What was his first wife's name? A I have forgotten what her given name was.
Q Do you know anything about his first marriage? A No sir, only knew that he was living with a woman said to be his wife.
Q Was Ella ever married before she married Arthur Dodge?
A Yes sir.
Q What was the name of her first husband? A Frank Smith.
Q Was Frank Smith living when she was married to Dodge?
A I can't state as to that, he had been gone away from here for some time.
Q Had she separated from Frank Smith when she married Arthur Dodge? A Yes sir, Frank Smith left her.
Q Do you know whether a divorce was obtained?
A No sir, I do not.
Q Did Frank Smith leave Ella or did she leave him?
A He left her.
Q What do you know about the separation?
A He stole a mule and they sent him to jail, and he broke jail, and came by where I lived and said he was going to Texas, and that was the last I ever saw of him.
Q How long before Ella married Dodge?
A It was some little while. It was about 1886 when Smith left this country.
Q Do you know whether Smith ever returned to this country after he went to Texas? A No sir, I never heard of it.

Q She had lived with him up to the time he stole the filly and went to jail? A Yes sir.

Q That's the only reason you know for the separation?

A That's the only reason I know for the separation. I saw a letter, but I can't tell who had the letter, but it was from an officer from Fort Smith, who wrote up here inquiring about this man before he got in this trouble, and claimed that he was wanted in some county in Arkansas, and that his name wasn't Frank Smith, but that his name was Lloyd, and he had a wife and two children down there in Arkansas.

Q You don't know that of your own personal knowledge?

A No sir.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this September 2, 1902.

B. C. Jones
Notary Public.

Ernst K. J. 1895

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The following facts demonstrate the accuracy of the generalizing notes
concerning the breeding habits of the above mentioned species and their
distribution in the West Indies. The following records are from
the collection of eggs taken from the same locality as the

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and that the same was done in 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580,

Went to the office and saw the

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskegee, Indian Territory, October 27th, 1902.

In the matter of the application of Arthur Dodge for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-622.

ARTHUR DODGE, being duly sworn, testified as follows:--
Examination by the Commission.

- Q. What is your name? A. Arthur Dodge.
Q. How old are you, Mr. Dodge? A. About 50 years old.
Q. What is your post office address? A. Now it is Delaware, Indian Territory. It used to be Nowata.
Q. Are you an applicant for enrollment as an intermarried citizen of the Cherokee Nation? A. Yes, sir.
Q. What is your wife's name? A. My present wife's name is Ella.
Q. Is she living? A. Yes, sir.
Q. Is she a Cherokee citizen by blood? A. A Cherokee by blood.
Q. When were you married to your wife Ella? A. July, '93.
Q. July, '93? A. Yes, sir.
Q. Had you ever been married before you were married to her? A. Yes, sir.
Q. How many times before? A. Once.
Q. What was your first wife's name? A. Nancy James.
Q. Was Nancy James a white woman or Cherokee? A. She was Shawnee; Shawnee citizen of the Cherokee Nation.
Q. Were you married to her under a Cherokee license? A. Yes, sir.
Q. Have you filed your certificate and license with the Commission? A. Yes, sir.
Q. When did you file it? A. At Nowata. At least they asked for it and ~~and~~ I turned it over to them.
Q. You say your first wife name is Nancy James? A. Yes, sir.
Q. What was her father's name? A. I don't know, sir.
Q. What was her mother's name? A. Her mother's name was Jane. Jane Pumpkin before she married James.
Q. Is her mother and father both dead at this time? A. Yes, sir; been dead long years. I never knew either one.
Q. Both dead when you married her? A. Yes, sir.
Q. When did you marry your first wife? A. I believe it was '80.
Q. Would her name be on the eighty roll as Nancy James or Nancy Pumpkin? A. Be on there as Nancy James.
Q. What district was your wife living in--your first wife--when you married her? A. Cooweescoowee.
Q. Had she always lived in Cooweescoowee? A. I couldn't tell you that for I didn't live there very long.
Q. You don't know where she did live before you got acquainted with her? A. No, sir.
Q. How long had you known her before you married her? A. About 5 or 6 months. She come from the orphan asylum school. The first time I saw her she was at the school there.
Q. Was your first wife, Nancy James, ever married before you married her? A. No, sir.
Q. How old was she when you married her? A. She was only about 18 or 19. I should judge about 18.

The 1880 authenticated roll examined and the mother of applicant's first wife is identified thereon, page 154, #2189, Cooweescoowee district, as Jane James Pumpkin, 36 years of age.

The 1880 authenticated roll examined and applicant's first wife is not identified thereon.

Q. You say you have already filed your marriage license with the Commission? A. Yes, sir; at Nowata.
Q. Did your wife ever go by any other name? A. No, never had any other name except Nancy James that I know of.
Q. You don't know how long her mother had been dead when you married her? A. No, sir; I don't.
Q. Did your wife have any other name besides Nancy? A. Never went by any other name.
Q. Did your wife have a sister by the name of Mary? A. Yes, sir; had a half sister.
Q. Was this Mary a half sister? A. Yes, sir.
Q. Same mother? A. Same mother and different fathers. Then there is another by the name of Emma.
Q. All had the same mother? A. Same mother but different fathers.
Q. Is Mary younger or older than your wife? A. Younger, several years.
Q. When did your first wife die? A. I declare I don't know the date now but she has been dead about 12 or 15 years.

The 1880 authenticated roll further examined and the half sister of applicant's first wife is identified thereon, page 134, #2190, Cooweescoowee district, as Mary James Pumpkin, 5 years of age.

Q. Did you and your wife live together from the time you were married up until the time of her death? A. Yes, sir.
Q. Never was separated? A. No, sir.
Q. After her death you married your present wife? A. About three years after she died I married this last one.
Q. Your last wife is a Cherokee by blood? A. Yes, sir.
Q. Do you know anything about where your first wife was born? A. No, sir; I don't.
Q. You don't know whether she was born here in the Nation or came with the Shawnees? A. No, sir; I couldn't tell you.
Q. Was your wife's mother a Shawnee? A. Shawnee full blood.
Q. Was your wife's father a white man? A. White man.
Q. Had she ever been married prior to her marriage to your wife's father, James? A. I couldn't tell you.
Q. Have you and your last wife lived together since your marriage up to the present time? A. Yes, sir.
Q. Never been separated? A. No, sir.
Q. Were you living together on the first of September, 1902. A. Yes, sir.
Q. Have you lived in the Cherokee Nation since your marriage to your first wife? A. Yes, sir.
Q. Up to the present time? A. Yes, sir.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this ... day of December, 1902.

Jesse O. Carr
B. E. Jones
Notary Public

20. 622

Arthur Dodge

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Cher D 623

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., October 17, 1900.

In the matter of the application of Charles H. Rhenhardt for the enrollment of himself as a Cherokee by intermarriage and his wife and children as Cherokees by blood; being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A Charles H. Rhenhardt.
Q What is your age? A 28.
Q What is your post office address? A Goody's Bluff.
Q What district do you live in? A Gooenawawee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A No, sir, adopted.
Q For whom do you apply for enrollment? A My children and my wife.
Q Yourself? A Myself, yes.
Q What is the name of your wife? A Mary Rhenhardt.
Q She a Cherokee by blood? A Yes, sir.
Q What was her name before you married her? A Coker.
Q Got any certificate of marriage? A Yes, sir.
Q This is only the certificate of marriage you have got? A No, sir.

(Applicant presents a marriage license and a certificate of marriage duly authenticated, issued from the office of the Cherokee Nation, certifying that he was married to one Mrs. Kinney Lambert, a citizen of the Cherokee Nation, according to the laws of the Cherokee Nation, on the 3rd day of February, 1899.)

- Q What are the names of your children? A John Lambert, 11 years old.
Q What is the name of the next child? A Sarah Rhenhardt, 9 years old.
Q The next one? A Charles Rhenhardt, five years old.
Q The name of the next one? A That is all.
Q What is the name of your wife's father? A My present wife's father, James Coker.
Q What is her mother's name? A Bettie I think.
Q Is she living? A Yes, sir.
Q Her father living? A Yes, sir.
Q I see that you married a Mrs. Kinney Lambert? A That is my first wife.
Q Where is your marriage certificate to your present wife? A This one.

(Applicant also presents a certificate of marriage certifying that he married on the 26th day of February, 1898, Miss Mary A. Coker, according to the laws of the United States.)

- Q Your present wife a white woman? A No, sir, she is a Cherokee.
Q Your first wife was a white woman? A She was a Cherokee.
Q Both your wives were Cherokees? A Yes, sir.
Q What was your first wife's name? A Her maiden name was Kinney or Nora Couch; Nora was her name.
Q Was your first wife a Delaware or a Cherokee? A Cherokee.
Q What is your second wife? A Cherokee.
Q Did you live with your first wife until the date of her death? A Yes, sir.
Q Who was the mother of John Lambert? A My first wife.
Q of your child Sarah? A My first wife.
Q Charles? A My first wife.
Q Have you any children by your second wife? A No, sir.
Q I understand both of your wives were still Cherokees by blood? A Yes, sir.
Q You married your wife according to the laws of the Cherokee Nation? A Yes, sir.
Q You married your second wife according to the laws of

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Charles H. Reinhardt - 2.

the United States? A Yes, sir.

Q How old is your wife now? A 30.

(Charles H. Reinhardt on 1886 roll, page 381, No. 850, Goochescowee district. Mary Reinhardt on 1886 roll, page 79, No. 805, Kirmoy Creek, Goochescowee district. Mary Reinhardt on not on 1886 roll as Mary Coker.)

(The applicant presents a certified copy of an act of admission issued from the office of the commission on citizenship at Tahlequah, Cherokee Nation, September 23, 1880, certifying that one James Coker was admitted to all the rights and privileges of Cherokee citizenship by blood, said certificate being signed by Beach Young, President, William H. Hargis and George W. Moss, Assistant Commissioners, certified to by J. R. Hayes, Clerk of the Commission, and William P. Goodin, Executive Secretary, under the great seal of the Cherokee Nation, said certificate being dated September 24, 1881.)

(Mary Reinhardt on 1886 roll, page 180, No. 984, Mary Ann Coker, Goochescowee district. John Lambert on 1886 roll, page 840, No. 3873, John L. Reinhardt, Goochescowee district. Sarah Reinhardt on 1886 roll, page 840, No. 3874, Sarah Reinhardt, Goochescowee district. Charles Reinhardt on 1886 roll, page 840, No. 3875, Charles Reinhardt, Goochescowee district.)

Q You the father of these children? A All but the oldest one.

Q Who was the mother of the oldest one? A My wife, my first wife.

Q The last two, Sarah and Charles, then are named Reinhardt?

A Yes, sir.

Q And the oldest one is named Lambert? A Yes, sir.

Q How long have you lived in the Cherokee Nation? A About 13 years - I mean.

Q Where were you married the first time? A Down close to Allure.

Q In the Cherokee Nation? A Yes, sir.

Q Your first wife died before you married your second wife?

A Yes, sir.

Q You lived in the Cherokee Nation until your first wife died?

A Yes, sir.

Q Your present wife is named Mary A. Coker? A Yes, sir.

Q What is her father's name? A James Coker.

Q What is her mother's name? A Bettie Coker.

Q When did your present wife come to the Cherokee Nation? A It is hard to say.

Q You don't show when she moved here, it shows when her father was married; did she move here when her father came? A Yes, sir.

Q When did he come? A He came off and on several different times.

Q When did he make his permanent residence here? A I don't just know.

Q Is her father living? A Yes, sir.

Q Where is he? A He is now in town I guess.

The name of Charles H. Reinhardt appears upon the census roll of 1880. The applicant satisfactory proof of his marriage to one Kirmoy Lambert is found upon the authenticated roll of 1880. As appears that John Lambert was the son of said Kirmoy Lambert before her marriage to him, and that by said marriage he had two children, Sarah Reinhardt and Charles Reinhardt, whose names all appear upon the census roll of 1880, and they all being duly identified according to the name and number of the roll, it is Charles H. Reinhardt will be duly identified for enrollment as a Cherokee citizen by intermarriage, and said John Lambert, Sarah Reinhardt and Charles Reinhardt will be duly identified for enrollment as Cherokee citizens by blood.

It appears that he was married in the year 1880 to one Mary A. Coker, and presents a certificate of admission more particularly described in the testimony, certifying that her father, James Coker, was admitted to Cherokee citizenship in the year 1881, but presents no

Charles H. Richardt - 8.

proof as to compliance with the laws of the Cherokee Nation as to establishing permanent residence thereon, neither for her father nor his said wife, Mary. Consequently final judgment as to the enrollment of said Mary Richardt, nee Goker, will be suspended, and her name will be placed upon a doubtful card to await satisfactory proof as to her residence. Her father, James Goker, having been admitted as a Cherokee citizen by blood.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 17th of October, 1900.

W. H. L. C.

Commissioner.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 5, 1902.

Supplemental testimony and proceedings, in the matter of the application of James M. Coker for the enrollment of himself, wife and children; in the matter of the application of Charles H. Reinhardt, (D-623) for the enrollment of himself and wife; Orate Coker, D-639) for the enrollment of himself and child; and Ada F. Barr, (D-859) for the enrollment of herself, as Cherokee citizens.

Appearances:

E.B. Lawson, Nowata, I. T., attorney for applicants;
W. W. Hastings, attorney for the Cherokee Nation.

By Commission: James M. Coker was notified by registered letter February 15th, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this day, appears by his attorney, E.B. Lawson, of Nowata, Indian Territory, and by agreement with the representative of the Cherokee Nation the case is taken up for final consideration this the 5th day of March, 1902.

D-623.

James H. Reinhardt was notified by registered letter February 13th, 1902, that his application for the enrollment of himself and wife as citizens of the Cherokee Nation would be taken up by the Commission for final consideration at its offices in Muskogee, Indian Territory, on the 5th day of March, 1902; receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: the 5th day of March, 1902, appears by his attorney, E.B. Lawson, Nowata, I.T.

D-659:

The applicant, Orate Coker, was notified by registered letter February 15th, 1902, that his application for the enrollment of himself and child as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902; receipt has been acknowledged of the Commission's letter; and the applicant this day, to-wit: the 5th day of March, 1902, appears by his attorney, E.B. Lawson, Nowata, Indian Territory, and by agreement the case is taken up for final consideration.

D-859:

The applicant, Ada F. Barr, was notified by registered letter February 19th, 1902, that her application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 11th day of March, 1902; receipt has been acknowledged of the Commission's letter; and the applicant this day, to-wit: the 5th day of March, 1902, appears by her attorney, E.B. Lawson, and by agreement the case is taken up for final consideration.

By Mr. Lawson: In the first place I desire to call attention to the fact that in the application of Reinhardt and Barr, it seems that he states that James M. Coker was admitted to citizenship in 1881, and that in the case of Orate Coker, and James M. Coker, the said James M. Coker was admitted to citizenship in 1882. I desire merely to call attention to this fact to have the matter corrected, and to show that the cor-

affidavit of admission of James M. Coker bears date of May 24th, 1881.

Mary Elizabeth Coker, being first duly sworn and being examined and testified as follows:

By Mr. Lawson:

- Q State your name? A My full name is Mary Elizabeth Coker.
Q Where do you live? A At the present time.
Q Yes, in what? A At Coody's Bluff, Cherokee Nation.
Q Are you the wife of James M. Coker? A Yes sir.
Q When were you married to James M. Coker? A In 1871.
Q Where were you married? A Arkansas.
Q What county? A Marion County.
Q You were married in Marion County in the State of Arkansas in 1871? A Yes sir.

By Mr. Lawson: I desire to file the affidavit of the clerk of Marion County, stating that the marriage records of that county for 1870 and 1871 cannot be obtained, or a certificate cannot be shown of these marriage records, for the reason that the records were burned.

By Commission: Document referred to was received by the Commission on the 8th day of December, 1900, and has been made part of the record in the case of James M. Coker, et al.

- Q Have you been living with James M. Coker as his wife ever since you married in 1871? A Yes sir.

Q Mrs. Coker, do you know when your husband came to the Cherokee Nation, that is, removed here? A He moved here in 1893.

Q Who came with him at that time? A Why there was a man came out with us by the name of Scott.

Q Did your family come at that time? A Yes sir.

Q Name the family? A Mary Ann Coker, Craton Coker, Ida May Coker, Ada Coker, Joseph Coker, Charles Coker and Ethel Coker are living.

Q Since 1893 where have you and all of the family just mentioned been living? A We lived two years near Chelsea, then we moved to the place we are living on now, near Coody's Bluff.

Q I will ask you if you and all the family that you have just mentioned have lived in the Cherokee Nation since 1893? A We have lived here all the time since that.

Q Now what children were born to you before you came to the Cherokee Nation, name them? A Mary Ann Coker and Craton Coker and Ida May Coker and Ada Coker and Joseph Coker and James Coker and Ethel Coker.

Q All born before you came here? A Yes sir.

Q Now are any of these daughters married? A I have got two married daughters now.

Q What are their names? A Ada F. Barr, she is now, formerly Ann Reinhardt.

Q And Mary Ann Reinhardt the wife of Charles H. Reinhardt? A Yes sir.

Q I will ask you Mrs. Coker if you know whether or not Mr. Barr or Mr. Reinhardt drew the Strip money in the year 1894? A Yes sir.

By Commission:

- Q Now any of these children married prior to 1894? A No sir.
Q Were all single then? A Yes sir.

By Mr. Lawson: They were denied the payment of money, and the Cherokee Council met in November of the year 1894, and they introduced appropriating the money.

By Mr. Lawson: I will state here that the reason I have not that certificate was that I was informed by the Executive Secretary of the Cherokee Nation, at Tahlequah, that it was in the hands of the Dawes Commission, and that he could not give

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us the certificate; that was a mistake, and I will get that later on. I believe that is all I care to introduce.

By Mr. Hastings: (Waives cross-examination.)
By Mr. Lawson:

I have no more to say prepared, and I desire also to file a certified copy showing that this money was paid to these parties in 1894; and desire it to be made part of the records in all of these cases.

By Commission: The attorney for the applicant will be granted ten days in which to file a certified copy of the act referred to.

The attorney for the applicants files in the case of application of Orate Coker, a brief; also a brief in the case of Ada F. Barr; also a brief in the case of Charles Reinhardt; and in the case of James N. Coker.

By Commission of Mr. Lawson: Do you, in behalf of the various applicants mentioned herein submit the case to the Commission? A Yes sir.

Q Do you submit, Mr. Hastings? A Yes sir.

By Commission: The attorney in behalf of the applicants and the attorney in behalf of the Cherokee Nation present submit the case; same is deemed completed, and will be reported to the Commission for final decision, based upon the evidence now of record in addition to the certified copy of the act of Council to be filed within ten days by the attorney for the applicants.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M. D. Green.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the above copy and that the same is a true and complete transcript of the original manuscript.

[Signature]

Subscribed and sworn to before me this 18th day of April, 1902.

[Signature]
Notary Public.

Cher. D-623.

BE IT ENACTED BY THE NATIONAL COUNCIL:

That there be and is hereby appropriated out of any money not otherwise appropriated - out of the Strip Funds - to pay each of the following persons (\$255.70) as their pro rata share of said funds; and the Chief is hereby authorized to issue warrants for the same.

No.	Name	Age	Sex
1	Rosetta Hunt	16	Female
	# # # # #		
80	James M. Coker	46	Male
61	Mary Ann Coker	19	Female
62	Crayton Coker	17	Male
63	Ida Coker	18	Female
64	Ada Coker	12	Female
65	Joseph Coker	9	Male
66	Charles Coker	7	Male
67	Ethel Coker	4	Female

Passed the Senate Nov. 25th 1894.

J. C. Starr,
Clk. of Senate

Roach Young,
President Pro Tem.

Concurred in by Council Nov. 30th 1894, with the following amendments, strike out the name of,

1	Sallie M. Barbee	15	Joel Quinton
2	Pauline Shannon	18	Jennie Quinton
3	Daisy Shannon	17	Lula Brown
4	Lucy Shannon	18	Lelia Brown
5	Floyd Shannon	19	John Brown
6	Sallie H. Shannon	20	Adnie Brown
7	Rebecca Weldon	21	Lu is Brown
8	Belle West	22	Annie Brown
9	Hettie West	23	Willie Brown
10	Viola Weldon	24	Lottie Brown
11	Robert Lee Weldon	25	Florence Brown
12	Julie Quinton	26	Beulah Brown
13	Elizabeth Quinton		
14	Frank Quinton		

J. H. Dick
Clk of Council

V. Gray
Speaker of Council Pro tem.

Concurred in by Senate Dec 1st 1894

C. W. Willey

Clk. of Senate

M. V. Benge

President of Senate pro tem

Approved Dec 5th 1894

O. J. Harris, Prin. Chief C.N.

Executive Office,

Cherokee Nation, Tahlequah, I.T.

I, B.W. Alberty, do hereby certify that the above is a true copy from the record of Laws of the Cherokee Nation 1893- 1896 which is now in my legal custody.

Given under my hand and the seal of this office this March 10th 1902.

(SEAL)

(Signed)

B. W. Alberty
Assistant Executive Secretary
Cherokee Nation.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the above copy and that the same is a true and correct copy of the copy filed in D-838.

[Signature]

Subscribed and sworn to before me this 12th day of April, 1902.

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

APR 14 1902



ACTING CHAIRMAN

RECEIVED

TO THE COMMISSION TO THE FIVE CIVILIZED TRIBES
FROM THE SECRETARY OF THE INTERIOR
APRIL 14 1902

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Kuskagee, Indian Territory, October 1st, 1902.

In the matter of the application of Charles H. Rienhardt for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of his wife Mary Ann Rienhardt as a citizen by blood of the Cherokee Nation.

Supplemental to D-623.

Appearances:

Applicant appears in person.
Cherokee Nation by J. C. Starr.

CHARLES H. RIENHARDT, being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. Charles H. Rienhardt.
Q. What is your age at this time? A. About 43.
Q. You say you are 43? A. Yes, sir.
Q. What is your wife's name? A. Mary A.
Q. What is your post office? A. Coody's Bluff.
Q. Are you the same Charles H. Rienhardt who made application to the Commission for enrollment as an intermarried citizen on October 17th, 1900? A. Yes, sir.
Q. And whose age was given in as 28? A. I might have given it in that way; I might have given it wrong.
Q. If your age was given in that way in 1900 it was a mistake? A. Yes, sir.
Q. Who made the application? A. I did.
Q. It should have been 41 instead of 28? A. Yes, sir.
Q. What is your wife's name? A. Mary Ann.
Q. Did you give her name in before as Mary A.? A. Mary Ann, I think.
Q. Mary Ann is her name? You are sure of that, are you? A. Yes, sir.
Q. Is your wife living at this time, Mr. Rienhardt? A. Yes, sir.
Q. What is her age? A. About 27 or 8.
Q. Is she a citizen by blood of the Cherokee Nation? A. Yes, sir.
Q. When were you and she married? A. About 3 years ago.
Q. Were you ever married prior to your marriage to Mary Ann? A. Yes, sir.
Q. How many times? A. Once.
Q. What was your first wife's name? A. Nora, was her right name.
Q. Is she living or dead? A. She is dead.
Q. Was she a citizen of the Cherokee Nation? A. Yes, sir.
Q. Were you married to her under a Cherokee license according to Cherokee law? A. Yes, sir.
Q. When did she die? A. About 7 years ago.
Q. Did you and she live together from the time of your marriage up until the time of her death? A. Yes, sir.
Q. Was she ever married before you married her? A. Yes, sir.
Q. How many times had she been married? A. Once.
Q. Was that husband of hers dead when you were married? A. Yes, sir.
Q. You and her have never separated? A. No, sir.
Q. After her death you married your wife Mary Ann? A. Yes, sir.
Q. She is also a Cherokee citizen? A. Yes, sir.
Q. You never married any one but these two women? A. No, sir.

Q. Were you and Mary A. living together on the first of September, 1902? A. Yes, sir.

Q. How long have you lived in the Cherokee Nation? A. About 16 years.

Q. All the time for the last 16 years? A. Yes, sir.

Q. How long had your wife lived in the Cherokee Nation before her death? A. Why, all her life, I guess, or the biggest part of it.

Q. She was living here when she died--in the nation?

A. Yes, sir.

Q. Are these two children, Sarah and Charles Rienhardt, your children by your first wife? A. Yes, sir.

Q. Are they living? A. Yes, sir.

Q. You have got no children by your last wife? A. Yes, sir.

Q. What is its name? A. It ain't named yet. It is a little fellow.

Q. Do you know how long your wife Mary has lived in the Cherokee Nation? A. About 10 years--9 or 10 years.

Q. For the last 10 years all the time? A. Yes, sir.

Q. Has she been admitted by the Cherokee authorities?

A. Yes, sir. Well, she was admitted in '81 or '2. Her father.

Q. She was a miner when she was admitted; small? A. Yes, sir.

Q. Then she came back to the Cherokee Nation about 10 years ago?

A. Yes, sir.

Q. And has lived there ever since? A. Yes, sir. There is another kid there. John Lambert.

Q. That is your first wife's child by her first husband?

A. Yes, sir.

Q. He is living? A. Yes, sir.

Q. Have Sarah and Charles Rienhardt and John Lambert lived in the Cherokee Nation all their lives? A. No, sir; John Lambert came here when he was about 6 months old.

Q. John Lambert has lived here since he was six months old?

A. Yes, sir.

Q. The other children have lived here all their lives?

A. Yes, sir.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 23rd day of October, 1902.

B. B. Jones
Notary Public.

CC: 64 1902

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1. The first part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

Before the Honorable Dawes Commission, sitting at Muskogee, I. T.

In the matter of the application for enrollement as a Citizen of the Cherokee Nation of Charles H. Rienhardt, et al.

Applicants Brief.

Comes now Charles H. Rienhardt, and represents that he was married on the 26th day of February 1899 to Miss Mary A. Coker; that prior to his said marriage to the said Mary A. Coker he had been married to Mrs. Kinney Lambert, who died before his marriage to his present wife.

There is no contention as to the enrollment of applicants Children by his first wife, and they were duly placed on the roll of Citizenship.

Mary A. Coker, wife of applicant, Charles H. Rienhardt, claims Citizenship as a Cherokee, under and through her Father James M. Coker, who was admitted to Citizenship in September 1881 by the Cherokee Commission, said Certificate being duly introduced and filed in this case. (7)

The name of Mary Rienhardt appears on the 1896 roll as Mary Ann Coker.

The only contention on the part of the Cherokee representatives is that the said James M. Coker, Father of applicant, Mary Rienhardt was admitted to Citizenship in 1881 and did not remove to the Cherokee Nation until 1893.

We do not see how the Cherokee Nation can successfully contend against the enrollment of this applicant as applicant, Mary Rienhardt was a very small girl at the time of the admission of her Father, James M. Coker to Citizenship in the Cherokee Nation, and the act of the Commission in admitting her Father, James M. Coker was an admitting all his minor Children to Citizenship.

There was no conditions or restriction placed on James M. Coker when he should remove to the Cherokee Nation and we contend that he nor any of his family lost any of their rights by not moving to the Cherokee Nation until 1893.

The applicant shows to this Commission that she has lived continuously lived in the Cherokee Nation for 7 or 8 years last past and has had her property interests here all that time and has drawn money as a Cherokee and we certainly believe that the Cherokee Nation is barred by the Statute of limitations, if nothing else from contesting the claims of applicant.

It must be born in mind that the applicant is only 36 years old now and was only about 17 years old when she came to the Cherokee Nation

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes.

Muskogee, I. T., May, 8, 1902.

In the matter of the application of
Charles H. Rienhardt for the enroll-
ment of himself and wife as citizens
of the Cherokee Nation.

Cherokee D. 638.

BRIEF ON THE PART OF THE CHEROKEE NATION.

Charles H. Rienhardt has been twice married, and became a citizen of the Cherokee Nation after his marriage to his first wife; she died and in 1899 he married Mary Coker, the daughter of James M. Coker. The father of his last wife, James M. Coker, applied to the Commission for enrollment, and was placed upon Doubtful Card No. D. 638. The testimony shows that he was admitted while a citizen of the state of Arkansas to citizenship in the Cherokee Nation in 1881, but that he did not remove to the Cherokee Nation until 1893, or twelve years after he was admitted. Inasmuch as the wife of the present wife applicant will follow the status of the father, reference is made to his case, No. D. 638.

There is one other point however, to which the attention of the Commission is invited, and that is that, Charles H. Rienhardt was listed for enrollment upon a straight card. He applied to be enrolled as a citizen by intermarriage, but that his first wife was dead, and if the Commission refuses to enroll his second wife, then clearly Charles H. Rienhardt is not entitled to be enrolled, because if his present wife is not a citizen he forfeits his right to be enrolled by his marriage to her in Section 686 of the Compiled Laws of the Cherokee Nation.

Respectfully submitted,

Attorney for the Cherokee Nation.

Cherokee D. ⁷²³

In the matter of the appli-
cation of the Charles E. Richardson
for the enrollment of himself
and wife as citizens of the
Cherokee Nation.

Brief of the Cherokee Nation.

IN THE MATTER OF THE APPLICATION OF

Charles H. Rienhardt et al

ANDERSON TOWNS.

- 1. Original testimony Oct 17/00
- 2. Memo of application Oct 17/00
- 3. Cherokee marriage license recd
" " " " " "

4. Notice of final consideration, 3/4/02

5. Certified copy of
" " " " " "
" " " " " "
" " " " " "
" " " " " "

Cher D 624

Cher D 624

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
NOWATA, I.T., OCTOBER 17th, 1900.

IN THE MATTER OF THE APPLICATION OF Carrie Louisa McNair for the enrollment of herself as a citizen of the Cherokee Nation, and she being sworn and examined by Commissioner, T. B. Hoadley, testified as follows:

- Q What is your name? A Carrie Louisa McNair.
Q How old are you? A Thirty four.
Q What is your Postoffice address? A Nowata.
Q What district do you live in? A Coowasee.
Q Are you a recognized citizen of the Cherokee Nation? A Adopted.
Q For whom do you apply for enrollment? A My husband.
Q Any children? A No sir.
Q Is your husband a Cherokee citizen by blood? A Yes sir.
Q Has he any middle name? A Robert Lee McNair.
Q What is his age? A Thirty.
Q Where is he? A He is dead.
Q You just want to enroll yourself then? A Yes sir.
Q When were you married to him? A In 1895.
Q What time? A The third of January.
Q Have you a certificate of marriage? A Yes sir.

The applicant presents a certificate of marriage, certifying that she was married to one, Robert Lee McNair, on the 3rd day of January, 1895, having been married in the State of Indiana.

- Q Where were you living at the time of your marriage? A At Fort Wayne, Indiana.
Q Do you live there now? A No sir; I live at Nowata.
Q When did you move to the Cherokee Nation? You were married in Indiana in 1895? A Yes sir.
Q You were a resident of Indiana then? A Yes sir.
Q Then when did you come to the Cherokee Nation? A The same day I was married.
Q Did Mr. McNair live in the Cherokee Nation at that time? A Yes sir.
Q Have you lived continuously in the Cherokee Nation ever since that time? A Only when I was visiting.
Q Have you always kept house here? A No sir.
Q When did your husband die? A The 16th of August, 1895.
Q How long have you been away from Indiana the last time? A I just came back Saturday.
Q The fact is; you reside in Indiana, do you not? A No sir; I was there sick; I did not reside there; I was here for over a year.
Q How long were you in Indiana the last time? A A year.

By Mr. Cole Starr, Cherokee Representative:

- Q Were you and your husband living together at the time of his death? A Yes sir.
Q Is it not a fact that you had left him? A No sir; I just went home because I was in poor health. They are trying to make it out that way now; but I did not; I went home with the intention of coming back.
Q How long did you stay in Indiana? A I went back the last time part of April or the first part of May.
Q Of 1895? A Yes sir.
Q And how long did you stay? A I was there when my husband was killed; I went back with the intention of visiting until he got started up in business; he meant to go into business at Nowata. His sister was sick, and I was sick; he said for me to go until he could get settled.
Q You went to Indiana about the last of April or the first of May; when his sister was sick. How long did you stay? A Until he was killed in August.

Q Until he was killed? A Yes sir.

Q How long after he was killed before you returned to the Cherokee Nation? A I did not know just exactly when it was.

Q Was it a year? A Yes sir; it was all of a year, I think.

Q Was it not longer than that? A I do not know.

Q Where were you living on June 28th, 1898? A I think I was here in Nowata.

Q Is it not a fact that you have been living in Indiana and been here only temporarily? A I have been here a year; I went back only to visit.

By the Commission:

Q Was your husband accidentally killed? A He was drowned.

Q You were in Indiana at the time? A Yes sir.

Q Were you notified? A Yes sir, but it did not reach me in time.

Q If you had gotten it, would you have returned? A Yes sir.

Q Was there any disagreement between you of any kind? A No sir.

Q You have no children? A No sir.

By Mr. Gale Starr, Cherokee Rep.

Q Did you have a farm in the Cherokee Nation at or your husband died? A It was his; I was just trying to get what was right.

Q What property did you leave here? A Two farms of his mother's that he signed over to me, but there has been some trouble about them since.

By the Commission:

Q You are not on the roll of 1896, are you? A No sir.

(1890 Roll, Page 146, #2042, Lee McNair, Geo. District)

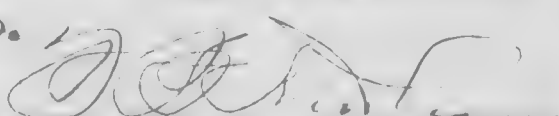
Carrie Louisa McNair, the applicant, presents satisfactory proof of her marriage to one, Robert Lee McNair, a Cherokee citizen by blood, in 1895, the said papers being filed herewith.

Her name does not appear upon any of the rolls of 1896, her said husband being then deceased. The evidence is somewhat conflicting as to her residence; and because of the protest of the Representatives of the Cherokee Nation, final judgment as to the enrollment of the said Carrie Louisa McNair as an intermarried citizen will be suspended, and her name will be placed on a doubtful card.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before
me this 8th day of October, 1900.

R. P. Cravens



COMMISSIONER.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED,
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Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., October 18, 1900.

D. 624.

In the matter of the application for the enrollment of Carrie L. McNair.

Additional testimony.

Miller Woody, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Miller Woody.

Q What is your age? A 60.

Q What is your post office address? A Nowata.

Are you a recognized citizen of the Cherokee Nation? A Yes, sir, by adoption.

Q Do you know Carrie L. McNair? A Yes, sir.

Mr. Gale Starr, representative of Cherokee Nation: Did you know her husband, Lee McNair? A Yes, sir.

Q How long did they live together after they were married? A They lived together from the first of January until the first of May of the same year, in 1895.

Q She left him afterwards? A Yes, sir went home to Fort Wayne.

Q Did you ever know of any reason assigned for leaving him? A Not personally, but the understanding was she wouldn't live with him on the other side of the river, on Goody's Bluff. I owned a place adjoining Mr. McNair's, but I didn't live on it at that time.

Q How long was she gone when she left him? A She was gone about three years and four months; he was drowned the first of August of the same year, in the Verdigris River.

Q Does she live in this country now? A No, sir; she is here at present, came here last week.

Commissioner Needles: You say she left him? A She went home.

Q Do you know what she went for? A She didn't like to live there I guess.

Q Did she tell you so? A No, sir.

Q How do you know she didn't like to live there? A She just moved away is all I can tell you.

Q You don't know what condition her family was in at home? A No, sir, not at all.

Q Did you ever hear Mr. McNair say anything about it? A I heard him say he wasn't able to build a house in town; she agreed to live with him if he would build a house in town.

Q He was drowned while she was away? A Yes, sir, in August of the same year he was married in.

Q She didn't come back to the funeral? A No, sir.

Q Was she notified of it? A I think my daughter wrote to her.

Q Could she get the letter before the funeral? A No, sir.

Q Was she telegraphed? A I don't think she was.

Q You don't suppose a letter could reach her in time to come back here, do you? A No, sir.

Mrs. Mary Rogers, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Mrs. Mary Rogers.

Q What is your age? A 34.

Q Do you know Carrie McNair? A Yes, sir.

Q Is she any relation to you? A No, sir, just a friend.

Q Do you know anything about the circumstances of her having left Mr. McNair? A She never did leave him; she went on account of her health; her health was poor and she went back, and while she was gone he got drowned, and she got a telegram and it was such a shock to her she didn't come right then, and then she hadn't later on got a letter from her mother in law stating that she needn't come; I can produce the letter.

Q Do you know whether she left him finally, parted with no expecta-

Carrie L. McNair - 2.

tion of returning? A No, sir, she didn't, and she has got letters to show it.

Q Did you hear Mr. McNair say anything about it? A No, sir, I didn't, I wasn't with him very much; I was well acquainted with him.

Q Were they living together to your knowledge peacefully when she left? A No, sir, but they had to live with his mother, and she wasn't able, and she went back home for a while.

Mr. Starr: Didn't she leave because he wouldn't move to Nowata with her? A That is just what Mr. Woody's daughter told her to do, she was in poor health and she couldn't stand the way they were living, she was a well raised girl, and she thought she would go home and stay a while for her health, to see if her health would be better, and she has got letters to show these things; she went off and he was willing for her to go.

Commissioner Needles: You think he was willing for her to leave?

A Yes, sir.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 19th of October, 1900.

[Signature]
Commissioner.

Supplemental: D-624

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I.T., December 17, 1933.

In testimony of the enrollment of CARRIE MCNAIR as a Cherokee citizen; being sworn and examined by Commissioner Needles, the testimony to follow, in supplementals:

Q Tell me your name? A Carrie McNair.

Q What is your age? A 31.

Q Tell me by Attorney Jackson:

Q Are you married? A Yes sir, I was.

Q Was your husband living? A No sir.

Q What was your husband's name? A Lee McNair.

Q Where did you live at the present time? A Nowata.

Q Were you living with Lee McNair at the time of his death? A Yes sir, I was.

Q At the time of his death were you in the Cherokee Nation? A No sir.

I was at home on a count of sickness; I was just visiting.

Q While you were visiting, - in what year was this? A 1935.

Q Where were you visiting in 1935? A At my home, Ft. Wayne, Indiana.

Q Will you come in St. James, Indiana, in the summer of 1935,

did you receive letters from your husband? A Received letters right along, three or four a week.

Q Have you any of those letters left now? A Yes sir.

I have the first letter I received from him.

Q Is it, produce it? A (Attorney produces letter)

That is the letter introduced in evidence, marked Exhibit "A" and filed as a part of the record.

Q Have you any interests in the Cherokee Nation, any added interests or any of interests, remaining unvested, that belonged to your husband? A Yes sir.

Q Have you any interests or any added interests since his death? A No sir.

Q Have you still retained your husband's interests since his death? A No sir.

Q Have you been in the Cherokee Nation since 1935? A Yes sir, I have been there several times.

Q When did you last come? A I was here a year ago; I was called home on account of sickness and I should have stayed.

Q What time of year did you come in 1935, what time of year did you come in 1934? A Nowata.

Q Can you tell me? A Yes sir.

Q You said, I believe, that you were called home on account of sickness, was this in 1935, or did it come in the Cherokee Nation? A Yes sir, it was in 1935.

Q Did you return to the Cherokee Nation? A Yes, Saturday

night, at the time your husband was called home on account of sickness.

Q Did you stay in the Cherokee Nation? A Yes sir, I stayed in the Cherokee Nation, and I should have stayed in the Cherokee Nation.

Q Did you stay in the Cherokee Nation? A Yes sir, I stayed in the Cherokee Nation, and I should have stayed in the Cherokee Nation.

Q Did you stay in the Cherokee Nation? A Yes sir, I stayed in the Cherokee Nation, and I should have stayed in the Cherokee Nation.

Q Always had interests here while he was living, and since his death? A Yes sir.

Commissioner Needles: I have read the testimony of Lee McNair and

Georgia, Sup. #2

the Commission to the Five Civil Tribes has correctly recorded
the testimony and proceedings in this case and that the foregoing is
a true and correct copy of the original stenographic notes
thereof.

Witness my hand and seal this 10th day of October 1900.

C. J. Mead

Commissioner.

DEPT. OF JUSTICE
COMMISSIONER OF PRISONS

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W. H. HAN

Department of the Interior
Commission to the Five Civilized Tribes/
Chelsea, I.T. November 17, 1900.

SUPPLEMENTAL PROCEEDINGS IN THE MATTER OF THE APPLICATION OF
CARRIE L. McNAIR FOR THE ENROLLMENT OF HERSELF AS A CHEROKEE CITIZEN.
Mary J. Thompson, being sworn by Commissioner T. B. Needles,
was examined in behalf of the Cherokee Nation by Mr. W. W. Hastings,
and testified as follows:

- Q What is your name? A Mary J. Thompson.
Q What is your age? A Sixty-two.
Q Where do you live, Mrs. Thompson? A I live here at Chelsea, now.
Q How long have you lived at Chelsea? A Ever since last November.
Q Were you married before you married Thompson? A Yes, sir.
Q You have a son by the name of R. Lee McNair. He was married to a woman in Indiana? A Yes, sir.
Q In January, 1895? A Yes, sir.
Q After they were married where did they live? A They came right straight to Coody's Bluff, where I was living and lived with me.
Q You all lived together? A Yes, sir. My son never has left me.
Q How long did she live with him there as his wife? A She lived until the last of April 1895.
Q Then did she leave him? A Yes, sir; she left him and went back.
Q Where? A To Indiana.
Q State whether or not he made any effort to get her to come back? A Oh yes. He was writing and trying to get her to come all the time, but she refused to come back.
Q When did your son die? A He died the 16th day of August, the same year.
Q State when this woman whom he married afterwards came back here. A She ~~came back~~ never came back until August 1896. She staid that winter and went back again in the spring of to Fort Wayne, Indiana, and she remained until a week or so before you were all at Nowata, I understood, when she was back again.
Q Do you know that she had permanently left your son before his death? A I believe it. At least he had made efforts to gather back, and she refused to come.
THE COMMISSIONER: How do you know he made efforts to get her to come back, and she refused to come? A Why he often showed me letters he would write and letters he would get, is the reason I know.
Q And he lived in the house with you? A Yes, sir.
Q Do you know that your son did not consent to her going away? A He did not consent to her going away, but she went anyway. He wasn't willing for her to go. That I know.
BY MR. W. W. HASTINGS: (Cherokee representative)
Q Was she notified of her husband's death? A Yes, sir.
She was notified right away by telegram, but she didn't come.
Q Did she reply to the telegram? A Yes, sir; she replied to it.
THE COMMISSIONER: Do you know that she received the telegram in time to come to the funeral? A She didn't receive it in time. It was mislaid someplace, that she wrote me.
THE COMMISSIONER: Are you on good terms with this woman? A Well we were then.
Q You are not now? A No, sir.

The undersigned, being sworn states that he stenographer

to the Commission to the Five Civilized Tribes he correctly
recorded the supplemental proceedings in this application, had
at the time above mentioned, and that the foregoing is a
correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 10th day of November
1900.

J. S. McKee
C. H. H. H. H.
Commissioner.

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Cherokee D 624

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 5, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Carrie L. McNair for enrollment as a Cherokee citizen.

Appearances:

E.B. Lawson, Nowata, I. T., attorney for applicant;
W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered
letter February 13, 1902, that her application for enrollment
as a citizen of the Cherokee Nation would be taken up by the
Commission for final consideration at its offices in Muskogee,
Indian Territory on the 5th day of March, 1902; receipt has
been acknowledged of the Commission's letter and the applicant
this day to-wit: March 5, 1902, appears by her attorney, E.B.
Lawson, Nowata, I. T.

BY COMMISSION OF MR. LAWSON: Any statement you desire to make
Mr. Lawson?

MR. LAWSON: I desire to file a brief of the applicant in all.
Q You want to take the case in behalf of the applicant? A Yes sir.

BY COMMISSION: The attorney for the applicant files a brief,
one copy with the Commission and one copy with the repre-
sentative of the Cherokee Nation.

The attorney for the applicant on behalf of the appli-
cant and the representative of the Cherokee Nation on behalf of
the Nation submit the case; same is ordered closed and re-
ported to the Commission for final decision based upon the
evidence now of record.

I, M.D. Green, do hereby certify that as stenographer to the
Commission to the Five Civilized Tribes I correctly recorded the
testimony and proceedings in this case and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

M.D. Green

COMMUNICATIONS SECTION

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Before the Honorable Dawes Commission, at Muskogee, I. T.

In the matter of Carrie Louisa McNair, applicant for enrollment as a Citizen of the Cherokee Nation.

APPLICANTS BRIEF.

The applicant claims enrollment as an adopted Cherokee, and the proof shows that on January 3^d 1895, applicant was married to Robert L. McNair, a recognized Citizen of the Cherokee Nation, who died on the 16th day of August 1895.

It is contended by the representatives of the Cherokee Nation that the applicant has lost her rights to Citizenship by residing out of the Cherokee Nation since her marriage to the said Robert L. McNair, and the Cherokee Nation also contends that applicant and her husband were separated at the time of the death of the said Robert L. McNair.

The proof shows that at the time of the death of Robert L. McNair the applicant was in Indiana where she had gone for her health, a short time before her husband's accidental death; that while on a visit to Indiana applicant received letters constantly from her husband, one of which is on file in this action and to which we refer, as said letter shows that applicant and her husband were not separated and further shows that there was no estrangement between them.

Proof also shows that applicant has always had her property interest here in the Cherokee Nation since the death of her said husband, Robert L. McNair; that applicant has never remarried, and has lived in the Cherokee Nation a great part of the time and has always recognized the Cherokee Nation as her home since the death of her said husband.

Applicant would call the Courts special attention to the case of John Elk, plaintiff in error VS Charles Wilkins, which decision can be found in 112 U. S. Supreme Court reports page 643, and to the case of Samuel A. Worcester, plaintiff in error, VS The State of Georgia, which can be found in 6 Peters 483 U. S. Reports.

Attorney for applicant

Department of the Interior,
Commissioner to the Five Civilized Tribes.

Muskogee, I. T., May 8th, 1902.

In the matter of the application of
Carrie L. McNair for enrollment as a
citizen of the Cherokee Nation by in-
termarriage.

Cherokee D. 624.

PRINT ON BEHALF OF THE CHEROKEE NATION.

The testimony in this case shows that the applicant was married on January 3rd, 1895, to Robert L. McNair, who was a Cherokee citizen by blood; that she left him in about three months after their marriage and went back to her old home in Indiana. And the testimony further discloses the fact that her husband made various unsuccessful attempts to get her to return to him prior to his death on the 16th day of August, 1895. The testimony of all the witnesses in this case, with the exception of the applicant, shows that she lived in the state of Indiana from 1895 until August, 1898; and that she was living there on June 28th, 1898, the date of the passage of the Curtis Bill. Reference is made to the testimony as to her residence given by Miller Wood and Mary J. Thompson, who testify positively that she lived there until August, 1898. She is very indefinite in her own testimony about her return, and the only witness she puts upon the stand in her own behalf does not aid her at all in this respect.

The Cherokee Nation contends that the testimony shows that this woman clearly intended a separation from her husband, perhaps not when she first left, for she may have then intended or promised to return to rejoin her husband, but we think that it is a fair inference from the testimony to state that she never intended to return, and that she had finally separated from her husband when he was drowned in August, 1895; and for that reason she should not be enrolled under Section 607 of the Compiled Laws of the Cherokee Nation, 1892.

We contend further that she could not be enrolled under Section 21 of the Curtis Bill, because at the time of the passage of that Act she was not a citizen of the Cherokee Nation. Testimony was introduced from time to time to show that she was not a resident of the Indian Territory upon that date, a copy of which was furnished the applicant, and if she could have introduced any testimony to contradict this and show that she was a bona fide ^{resident} citizen on June 28th, 1898, we claim that it was her duty to have done so. As above observed there was no testimony introduced by the applicant except perhaps her own tending to show that she was a resident of the Indian Territory at that time. On the other hand it is shown that when she returned in August, 1898, it was not a permanent return; that she soon after went back to Indiana, where she resided with her parents until about a week before she made this application for enrollment to the Commission.

Under those conditions we submit that she is not entitled to be enrolled under the law.

Respectfully submitted,

Attorney for the Cherokee Nation.

W. H. H.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., February 13, 1903.

In the matter of the application of CARRIE L. McNAIR, for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation:

CARRIE L. McNAIR, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

- Q What is your name ? A Carrie L. McNair.
Q How old are you ? A Thirty four.
Q What is your post office ? A Nowata.
Q You are a white woman are you not ? A Yes sir.
Q Claiming the right to be enrolled as a citizen by intermarriage ?
A Yes sir.
Q What is your husband's name ? A Robert Lee McNair.
Q Is he a Cherokee by blood ? A Yes sir.
Q When were you married to him ? A In 1895, the 3rd day of January.
Q He is the husband through whom you are claiming your citizenship ?
A Yes sir.
Q Had you ever been married before ? A No sir.
Q Had he ? A No sir.
Q Have you been living together ever since your marriage ?
A My husband is dead; he died in 1895.
Q You lived with him from the time you married him until he died ?
A Yes sir.
Q Have you married since his death ? A No sir.
Q Have you been residing in the Cherokee Nation ever since you married Mr. McNair ? A Yes sir; I have been back home on visits.
Q Where did you visit ? A In Indiana.
Q When did you go back to Indiana after your husband died ?
A I made two trips back.
Q How long did you stay the first trip ?
A The first trip ?
Q Yes ? A Well, I wasn't here when my husband drowned, I was back home then, I was sick when I came out here. I left a letter with the Commission.
Q What letter do you speak of ? A From my husband after I went back home.
Q You went back home soon after you married ? A Yes sir.
Q How long were you there when your husband was drowned ?
A I went back in April and he was drowned in August.
Q Then when did you return to the Cherokee Nation after that ?
A That was in 1898; my husband was buried before I knew anything of his death at all.
Q I am asking you when you came back to the Nation after your husband's death ? A I never came back for quite a while after that.
Q What year ? A I think it was '97 or '98.
Q You are not sure which ? A Not exactly.
Q What part of the year did you come back ?
A It was in August.
Q Can you tell whether it was two years or three years after your husband's death ? A I think it was between two and three years anyhow.
Q You say he died in 1895, if you came back in 1897 it would be two years, and if you came back in 1898, it was three years.
A I think it was in 1898 that I came back. I won't be positive.

- Q How long did you stay in the Cherokee Nation at that time ?
 A I was here over a year.
- Q Where were you staying ? A At Mr. McCarty's. And then I have been putting in the rest of the time with Mrs. Roberts, from March 1899, up until now. His mother wrote me, and I wrote her and asked her if I should come back here and she said no. She said everything was settled up and I needn't come back, and there was other other parties said there was, and I came.
- Q Well now have you been back to Indiana since you came to the Indian Territory after your husband's death ? A Yes sir.
- Q How long did you stay in Indiana the second trip you made there ?
 A I have a certificate here from the doctor.
- Q Now you had been in Indiana during all of last year ?
 A Pretty near all last year, from December until October.
- Q From December, 1901 to October, 1902 ? A Yes sir.
- Q Then you came back last October ? A Last October.
- Q Up to December, 1901, where had you been staying in the Cherokee Nation ? A I was at Nowata.
- Q Your husband was a citizen was he ? A Yes sir.
- Q You claim citizenship in the Cherokee Nation ?
 A Through my husband, yes sir.
- Q How did it come that you stayed so long in Indiana after your husband's death ? A He was gone, and his mother wrote me and said--I asked her if I should come back, and she said no. I was sick all the time, I went away from here sick, and I went back home to see if I couldn't get straightened up, and he died while I was gone.
- Q Were you sick from April, 1895 up to August of 1897 or 1898 ?
 A Yes sir.
- Q Where were you staying in Indiana ? A At my sister's.
- Q Were you under a doctor's care all the time ? A All the time.
- Q Where was your home here in this country ? A Coody's Bluff.
- Q That's where you and your husband lived while you were living together ? A Yes sir.
- Q Did your husband own any property then ? A Yes sir.
- Q Did he own a house ? A Yes sir.
- Q Do you own that house now ? A Why I reckon.
- Q You don't know; do you live in it ? A No sir, I am stopping with Mrs. Roberts.
- Q Do you collect rents from it ? A Why I have for the last four years.
- Q After your husband's death, and while you were living in Indiana, did you consider the Cherokee Nation to be your home in good faith ?
 A Yes sir, I always did. If I hadn't made up my mind to that effect I wouldn't have moved here.
- Q You really had no interests here after his death ?
 A Not from the way his mother wrote.
- Q Did you still regard this country as your home ? A Yes sir.
- Q Did you live here before you married your husband ?
 A Yes sir, I was here several months before.
- Q Was it your intention, then, to come back here and make this your home after you got better ? A Yes sir.
- Q Was that your intention when you left Indiana in 1897 or 1898, when you came back here ? A Yes sir.
- Q To make this your permanent home ? A Yes sir.
- Q And that's your present intention ? A Yes sir, my health is so much better here, and I feel satisfied here.
- Q Is Mrs. Roberts any relation to you ?
 A No sir, we are just friends.
- Q You and your husband lived together from January up until April, did you ? A Yes sir.
- Q Get along alright ? A There never was a cross word between us. Of course there wasn't a bit of trouble, and it was with his consent that I went home, he went as far as Coffeyville with me. I visited

in Nowata a few days, and he said for me to stop off at Nowata and I visited there, and he told me to leave Nowata Thursday, and he said he would meet me Thursday at Coffeyville; and he says, "Now you go to the doctor and stay until you get to feeling better." Of course his half brother has always fought against me somehow or other. I don't know why, we never have had a cross word between us. If there had been any trouble it seems that the letters would have shown it.

MRS. W. R. ROBERTS, being called, and duly sworn, and examined, testified as follows:

Examined by the Commission:

Q State your name ? A Mrs. W. E. Roberts.
 Q How old are you ? A Thirty seven.
 Q What is your post office ? A Nowata.
 Q Are you a citizen of the Cherokee Nation ? A Yes sir.
 Q Are you acquainted with Carrie L. McNair ? A Yes sir.
 Q Did you know her husband ? A Yes sir.
 Q How long have you known Mrs. McNair ? A I have known her for very near five years. She has been with me four years.
 Q Do you remember the time when her husband died or was drowned ? A Yes sir.
 Q When was that ? A That was in August, of 1895.
 Q Where was Mrs. McNair at that time ? A She was in Indiana.
 Q Do you know when she came back to the Cherokee Nation from Indiana after that ? A I am not sure, her husband was drowned the summer we moved to Nowata, and I didn't meet her until the next summer, I believe it was. I didn't know her; I knew him, but I didn't know her until she came back and stopped with Mr. McCarty's family in Nowata.
 Q When was that ? You say Mr. McNair was drowned the summer you moved to Nowata ? A Yes sir.
 Q He was drowned in the fall ? A In August, 1895.
 Q You had moved there before that ?
 A We moved there the day before, that's the reason I remember it so well.
 Q How long had you been at Nowata when you first met Mrs. McNair ? A It was about a year.
 Q That would be in 1896 ? A Well, Floyd wasn't two years old. She came back in 1897 I am sure, because--when was this filing down, when we had all of us to be on the roll, when was that made, in '98 wasn't it ? She was with me then, when the Commission enrolled up there, you know there was a roll, we all had to dispose of something, I don't remember just what, but she was with me at the time; she was with me then; it must have been in 1898.
 Q Had to dispose of surplus land ? A I think so. She was with me in 1898.
 Q You are sure of that ? A Yes sir, I know of that, because Mr. Stephens was boarding with us; it was in 1897 that she came back; she came to Mr. McCarty's. My baby is six years old.
 Q How old was he when she came ? A He wasn't two years old.
 Q What makes you think that, wasn't he walking around and talking ? A He was two years old in October after I got acquainted with her.
 Q At the time Mrs. McNair came to the Nation your boy wasn't two years old, and he is now six ? A Yes sir.
 Q You say she stayed several months at McCarty's before she came to live with you ? A Yes sir.
 Q How long had she been in the Cherokee Nation, then, when she came to stay with you, several months ?
 A Oh she had been there eight or nine months.

Q Now has she been living with you continuously since then ?
 A Yes sir; for four years right straight along, only when she would go home on a visit.
 Q She wasn't with you last year ? A She was until December.
 Q And she came back last October; she was gone nearly a year ?
 A Yes, very nearly a year.
 Q With that exception has she been living with you ?
 A Yes sir.
 Q And making her home there ? A Yes sir.
 Q Do you know if she considers this country her home ?
 A Yes sir.

Examined by J. C. Starr:

Q How long had Mrs. McNair been living with you when she applied for enrollment at Nowata ? A She had been living with me for two years; off and on for two years, but she went back home once.
 Q Before that time ? A Yes sir; but that's been her home for four years, ever since she came to me. She has been just as well satisfied as she would be with her own sister, and she has told me time and again that she would continue to let that be her home.
 Q How often has she been back to Indiana since she came to you ?
 A Twice.
 Q How long was she gone before the Commission came to Nowata on that trip ? A About as long as she was the first trip.
 Q About a year ? A Yes sir.
 Q How long had she been back when the Commission enrolled at Nowata ? A She hadn't been back very long.
 Q About how long, in your best judgment ?
 A She hadn't been back a month.
 Q It was in October wasn't it, and she came back in October ?
 A She had been gone about a year perhaps before that. Every time she makes the trip she is laid up.
 Q Mrs. McNair's people live in Indiana ? A Yes sir.
 Q She lived there before she came to the Cherokee Nation ?
 A Yes sir.

 CARRIE L. McNAIR, re-called, testified as follows:

Examined by J. C. Starr:

Q Where did you live before you came to the Cherokee Nation ?
 A In Indiana.
 Q Is that where your people live now ? A Yes sir; I have no parents, my father and mother are both dead. I made my home with my sister.
 Q In what town in Indiana ? A Fort Wayne.
 Q Do you live with your sister when you go back there ?
 A Yes sir.
 Q How long did you stay in the Cherokee Nation after you went back to Indiana the first time and returned; before you made your second trip back to Indiana ? A I came back in October, and I was here over a year and went back then.
 Q Between the first and second trips ? A Yes sir.
 Q Your husband was drowned during this first trip ?
 A Yes sir.
 Q When you returned from that trip how long did you stay in the Cherokee Nation ? A It was a year or more, I think.
 Q How long did you stay at Mr. McCarty's ? A I was there from August until March, I went to Mrs. Roberts' then, and I went back home the following September.

Q How long did you stay in Indiana after that ?
 A I think I stayed there then on until the following October, and came back again in October, that is the year after.
 Q You were out about a year and a month ? A Yes sir.
 Q And then did I understand that you stayed here continuously until you left the last time ? A Yes sir.
 Q And you had been gone nearly a year then ? A Yes sir, I left in December and got back in October.

Examined by the Commission:

Q Now Mrs. McNair, you present here a bill of sale signed by Mary J. Thompson, and dated May 18, 1898, who is this Mary J. Thompson ?
 A My mother in law, my husband's mother.
 Q Now this bill of sale was transferring to you some property, was it ? A Yes sir.
 Q Now at the time this bill of sale was executed where were you living ? A I was at Fort Wayne at the time. I remember that it was 1898, the 4th day of August that I came back.
 Q You came back from Indiana in August after this bill of sale was executed ? A Yes sir.
 Q That was your first visit to the Cherokee Nation after your husband's death ? A Yes sir.

 E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me March 9, 1903.

E. C. Bagwell
Samuel L. Foreman

Notary Public.

42980

ATTORNEYS:

L. B. BELL,

W. W. HASTINGS,

JAMES S. DAVENPORT,

J. C. STARR, SEC.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number, J. D. 424.

J. A. Tillotson, Esq.,

Nowata, I. T.

Dear Sir:

A woman by the name of Carrie L. McNair applied for enrollment as a citizen of the Cherokee Nation ~~whiter~~ by intermarriage when she was at Nowata in 1900. She states that she was married to Lee McNair and that soon after their marriage McNair was drowned; that she went to Indiana and remained for some time, and returned here after McNair's death. She denies any cohabitation and claims that she went off for her health. Will you kindly advise us what you may know about the facts in this case, and also advise us where Carrie L. McNair is now living. If she went off and left her husband before his death and there was an actual separation we would be glad to have the names of at least two good witnesses on that point and if she has since become a non-resident of the Indian Territory we would to put in testimony on that point.

Yours very truly,

J. A. TILLOTSON
LAWYER

Nowata Ind. Ter. 2/24/1902.

J.C.Starr,

Muscogee I.T.

Dear Sir:- In reply to your letter of recent date will say that Carrie McNair is now staying with W.E.Roberts of this town and says that she is making her home here , but as to her separation from Lee McNair you can get all the information you want from Mary J.Thompson at Chelsea I.T. she is Lee McNair's Mother and knows all about Carrie going back to Indiana and can probably give you the names of other witnesses that will be of benefit to you.

Yours truly,

J.A. Tillotson

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W. L. McHugh

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Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., October 17, 1900.

In the matter of the application of Guenther W. Werther for the enrollment of himself as a Cherokee by intermarriage and his wife and children as Cherokees by blood; being sworn and examined by Commissioner Breckinridge, he testified as follows:

Q Give me your full name? A Guenther W. Werther.
Q How old are you? A I am 44.
MQ What is your post office? A Nowata.
Q Do you live in Cooweescoowee district? A Yes, sir.
Q Who do you want to enroll, yourself and family? A Yes, sir.
Q Got a wife? A Yes, sir.
Q How many children? A Seven.
Q You a Cherokee by blood? A No, sir.
Q Your wife a Cherokee? A Yes, sir.
Q Let me see your marriage license and certificate? A (Exhibits paper.)
Q This is just a certificate of marriage? A The license we sent off to the clerk and it was never returned.
Q Did you get a license from the Clerk's Clerk? A Yes, sir.
Q Where is that license? A I sent it to the clerk, and he kept it; I had the license when this preacher married us, and we sent the license back there to the clerk to be recorded.
Q Your wife's name was Lucy Jones? A Yes, sir.
Q You were married January 22, 1893 to Lucy Jones, were you?
A Yes, sir.
Q Have you lived in the Cherokee Nation ever since you married her?
A Yes, sir.
Q And lived with her all the time? A Yes, sir.
Q Were you ever married except to this wife? A No, sir.
Q Was she ever married except to you? A No, sir.
Q How old is your wife? A About 35.
Q Give me the name of her father? A Jim Jones.
Q Is he dead or alive? A Dead I suppose.
Q Give me the name of her mother? A Barbara I think it was.
Q She dead or alive? A Dead.
Q Your wife lived in the Cherokee Nation all her life? A Raised here.
Q Was she born here? A Yes, sir.
Q And lived here all the time? A Yes, sir.
Q Was she ever married except to you? A No, sir.
Q Give me the names of your children? A Charley, 16 years old.
Q The next child? A Minnie, 12 years old.
Q The next child? A There is twins, Oliver, 9 years old, and Ollie, 9 years old.
Q The next child? A Edward, 6 years old.
Q Now the next child? A Clarence, 3 years old.
Q The next child? A Ida, a year old.
Q These children all living now? A Yes, sir.
(Lucy Werther on 1880 roll, page 122, No. 1538, Lucy Jones, Cooweescoowee district. Guenther W. Werther on 1886 roll, page 330, No. 1987, Guenther Werther, Cooweescoowee district. Lucy Werther on 1886 roll, page 285, No. 5262, Cooweescoowee district. Charles Werther on 1896 roll, page 285, No. 5263, Cooweescoowee district. Minnie Werther on 1896 roll, page 285, No. 5264, Cooweescoowee district. Oliver Werther on 1896 roll, page 285, No. 5265, Cooweescoowee district. Ollie Werther on 1896 roll, page 285, No. 5266, Cooweescoowee district. Edward Werther on 1896 roll, page 285, No. 5267, Cooweescoowee dist.)
The applicant applies for the enrollment of himself, his wife and seven children. His wife is identified on the rolls of 1880 and 1886 as a native Cherokee, she has lived in the Cherokee Nation all

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Quantor W. Venter - 2.

her life, and she will be listed now for enrollment as a Cherokee by blood. The applicant claims that he married his wife in 1883 in accordance with Cherokee law. He states that neither he nor she were ever married before. He is now able to present at this time any official evidence of his Cherokee lineage, but he is identified on the roll of 1898, and states that he has lived in the Cherokee Nation with his wife ever since their marriage. He will be listed now for enrollment as a Cherokee by intermarriage on a doubtful card to await official evidence on his marriage in accordance with Cherokee law.

Of the seven children, the first five are identified with their parents on the roll of 1898, they are all alive, and are living at this time, and will be listed for enrollment as Cherokees by blood. When the Commission is supplied with a certificate of the birth of the two youngest children, Clarence and Ida, they also will be listed for enrollment as Cherokees by blood.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this 18th of October, 1900.

[Signature]

Commissioner.

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OFFICE OF THE
COMMISSIONER

OCT 18

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

OCT 18 1900

 ACTING CHAIRMAN

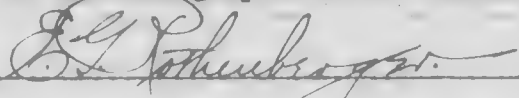
Cherokee B-685.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 17, 1902.

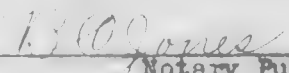
In the matter of the application of Guenther W. Werther for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Guenther W. Werther.
Q How old are you? A Forty-six.
Q What is your postoffice? A Nowata.
Q Are you a white man? A Yes sir.
Q Are you claiming the right to be enrolled as a Cherokee citizen by intermarriage? A Yes sir.
Q What is your wife's name? A Lucy Werther.
Q Is she a Cherokee by blood? A Yes sir.
Q How long has your wife been living in the Cherokee Nation? A All her life.
Q When were you married to her? A In '83.
Q Were you married under a Cherokee marriage license? A I was then.
I was married once before to her, a year before that, but I proved up next year and then married according to law.
Q Is Lucy your first wife? A Yes sir.
Q Are you her first husband? A I am.
Q Have you and your wife, Lucy, been living together ever since you were married? A Yes sir.
Q Never were separated? A No sir, never were.
Q Are you living together now? A Yes sir.
Q Have you lived in the Cherokee Nation ever since you were married to your wife, Lucy? A I have.
Q Never lived any where else have you? A Never have.
Q How many children have you? A Eight.
Q All living? A All living.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.



Subscribed and sworn to before me this 18th day of November, 1902,



Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES. (271)

In the matter of the application of Guenther W. Werther for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on October 17, 1900, the applicant, Guenther W. Werther, appeared before the Commission at Nowata, Indian Territory, and then and there made personal application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his seven minor children, Charley, Minnie, Oliver, Cillie, Edward, Clarence and Ida Werther, and his wife, Lucy Werther, as citizens by blood of the Cherokee Nation. At the conclusion of the testimony offered at that time the minor children and his wife, Lucy Werther, were listed on Cherokee Roll Card Field No. 4540, and the applicant, Guenther W. Werther was listed on a "doubtful card" awaiting official evidence of his marriage in accordance with Cherokee law.

It appears from the evidence in support of this application that Lucy Werther is identified on the 1880 authenticated tribal roll of the Cherokee Nation as Lucy Jones. She is also identified on the 1896 Census Roll of the Cherokee Nation.

It further appears that Guenther W. Werther was lawfully married to Lucy Jones on January 23, 1883 under authority of a Cherokee marriage license. He is only identified on the 1896 Census Roll of the Cherokee Nation.

The authority of the Commission herein is defined in Par. 1,

Cherokee-D- 625

Sec. 21, of the act of Congress, June 23, 1898 (30 Stats., 495).

It is therefore the opinion of this Commission that
Guenther W. Farther is lawfully entitled to be enrolled as a member
by intermarriage of the Cherokee Tribe of Indians in Indian Territory,
and that the application for his enrollment as such should be granted,
and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,
this AUG 11 1902

MISSISSIPPI
HENRY L. DAWES
JAMES HENRY
THOMAS H. NELSON
R. H. HARRINGTON

AGENCY: ALLEGANY
COUNTY

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

REPLY IN REPLY TO THE LETTER NO.

Cherokee D 625.

Muskogee, Indian Territory, August 13, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 11, 1902, granting the application of Guenther W. Werther for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against its decision. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 14.

IN THE MATTER OF THE APPLICATION OF

Guenter A. Higgins

FOR ENROLLMENT AS

CHEROKEE CITIZEN.

1. Original testimony, Nov. 17, 1900

2. Affidavit of application, Oct. 17, 1900

3. Certified copy of marriage record

4. Letter to official

5. Marriage record

Guenter A. Higgins and

Receipt of testimony

Guenter A. Higgins and *other*

Guenter A. Higgins

Cher D 626

Cher D 626

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., October 17, 1900.

In the matter of the application of Ella L. Spickerman for the enrollment of himself and child as Cherokees by blood and her husband as a Cherokee by intermarriage; being sworn and examined by Commissioner Breckinridge, she testified as follows:

- A Give me your full name? A Ella L. Spickerman.
Q How old are you? A 25.
Q What is your post office? A Talala.
Q Do you live in Coowesscoowee district? A Yes, sir.
Q Who is it you want to have enrolled? A Myself and baby.
Q Have you got a husband? A Yes, sir.
Q Do you want him enrolled? A Yes, sir.
Q Do you want to apply for him? A Yes, sir.
Q Are you a Cherokee by blood? A Yes, sir.
Q What is your husband? A He is a white man.
Q How long have you lived in the Cherokee Nation? A 15 years.
Q Were you admitted by the Cherokee Commission? A Yes, sir.
Q Give me the name of your father? A Albert Dawson.
Q He is dead, is he? A Yes, sir.
Q Give me the name of your mother? A Sarah Jane Dawson.
Q She is alive, isn't she? A Yes, sir.
Q When were you married? A September 7, 1887.
Q Were you ever married before? A No, sir.
Q Was your husband ever married before? A No, sir.
Q Have you lived in the Cherokee Nation, you say, for the last fifteen years? A Yes, sir.
(The applicant presents a duly authenticated certificate of admission to Cherokee citizenship showing that on the 11th day of January, 1885, Albert Dawson was admitted to citizenship.)
Q That was the name of your father? A Yes, sir.
Q And you claim admission through him? A Yes, sir.
Q You were a minor at the time he was admitted? A Yes, sir.
Q Give me the name of your husband? A John J. Spickerman.
Q How old is he? A 27.
Q Have you his marriage license and certificate? A Yes, sir.
(The applicant presents a license issued by the clerk of Coowesscoowee district September 7, 1886, authorizing marriage between herself and her husband as stated by her, and the certificate shows that the ceremony was performed on the same date by the clerk of the district. This is filed herewith.)
Q Your husband has lived with you ever since he married you and in the Cherokee Nation? A Yes, sir.
Q Give me the name of your child? A Kellen Julia, 15 months old.

The applicant applies for the enrollment of herself, her husband and one child. She shows by the certificate of admission cited in the testimony and returned to her that her father was admitted to citizenship in 1885. She states that she has lived in the Cherokee Nation for the past fifteen years, her change of name is established by the marriage license and certificate filed herewith, and is not identified on the roll of 1896, and it has been developed in the case of other applications of the members of this family that the Cherokee representatives refused to enroll her at that time owing to objections arising to the character of their admission. She will be listed now as a Cherokee by blood on a doubtful card for further consideration. When she supplies a certificate of the birth of her child, this child also will be listed for enrollment on a doubtful card for further consideration.

Her husband is shown to have married her in accordance with

POOR ORIGINAL.

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JAN 22 1971

to be sent
with the

Robert Jones

the 18th of October, 1900.

Charming

Commissioner.

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COMMISSION

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILE

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ACTING CHAIRMAN

CHEROKEE.

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to be sold at public sale
to the highest bidder

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Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., October 17, 1900.

In the matter of the application of Francis Marion Dawson for enrollment as a Cherokee by blood: being sworn and examined by Commissioner Breckinridge, he testified as follows:

- Q What is your full name? A Francis Marion Dawson.
Q How old are you? A 39.
Q What is your post office? A Nowata & at present.
Q You live in Geowasnowee district? A Yes, sir.
Q Who is it you want to have enrolled? A Just myself.
Q Do you claim as a Cherokee by blood? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Ever since 1883.
Q Were you admitted by the Cherokee Commission? A Yes, sir.
Q Let me see your certificate of admission? A I have my father's certificate.
(The applicant presents a duly authenticated certificate of admission dated January 11, 1883, admitting certain persons to citizenship and among them appears the name of F. M. Dawson.)
Q Is that your name? A That was my uncle.
Q Your name is not on this list? A No, sir.
Q How do you claim? A Through my father, Elbert Dawson.
(The name of Elbert Dawson, who the applicant states is his father, is identified on the certificate. The certificate referred to is returned to the applicant.)
Q You claim admission through the admission of your father in 1883? A Yes, sir.
Q But you are 39 years old, that was only 17 years ago; you were not a minor? A I know I was always with him.
Q But you had been weaned? A That was my home up to 1887.
Q This gives you no citizenship at all. When was the application that your father made filed? A In 1881 or 1882, I will not be sure which.
Q When were you 39 years of age? A On the last day of December last.
Q You are not on the roll of 1896? A I suppose so.
Q What makes you think you are? A I should be.
Q You came here in 1883 after this admission and have lived here ever since, have you? A Yes, sir.
(Applicant not on 1896 roll.)
Q Did you draw strip money? A Yes, sir, I draw at Claremore.
Q How much did you get? A I disremember now what amount there was.

The applicant shows that his father was admitted to citizenship by the Cherokee Commission in 1883. The application for admission is shown by the document cited to be dated January 24, 1881, and giving the applicant the benefit of the opinion that the effect of admission would date from the application, he was a minor at that time, and he claims through the admission of his father. He is not identified on any roll since that time. He states that he has lived in the Cherokee Nation since 1883. It has been developed in the applications for members of this family that the Cherokee authorities refused them enrollment in 1896 because of objections entertained in regard to their admission. The Cherokee representatives have protested against the enrollment of any members of this family, upon the ground of alleged fraud in admission, and this application at this time will be put upon a doubtful card, he being listed as a Cherokee by blood, for further consideration. The final decision of the Commission will be made known to the applicant at his post office address.

Francis Marion Dawson - 2

Brace G. Jones, being duly sworn, deposes that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Brace G. Jones

Sworn to and subscribed before me this the 18th of October, 1900.

R. M. Dawson

Commissioner.

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COMMISSION
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE DISSENTED TRIBES.

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IN THE DEPARTMENT OF THE INTERIOR.

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In re)
Application of Francis M. Dawson :
for Enrollment as a Cherokee) Group 8. D 627.
Citizen. :

-----oOo-----

BRIEF ON BEHALF OF
APPLICANT.

Francis M. Dawson is the son of Albert Dawson who was admitted to citizenship on January 11, 1893, at which time this applicant was about twenty-two years of age. His father applied for readmission February 22, 1897, at which time this applicant was less than twenty-one years of age. He has continued to reside in the Cherokee Nation from the time of his father's readmission and but one reason is given by the Commission for refusing to enroll him, that is, that he was more than twenty-one years of age at the time of his father's readmission. It is conclusively shown that he is a Cherokee by birth and has in all respects been treated by the Cherokee Nation as one of its citizens. His name appears upon every roll since his father's readmission. He drew his share of the strip money and has resided nowhere except in said Nation.

The Curtis Act requires the Commission to investigate the rolls and to enroll all persons whose names lawfully appear thereon, and the Commission has authority to reject only such of those persons as may have been enrolled by fraud or without authority of law. The Commission has found that there is no fraud in his father's enrollment and there is no question of fraud raised as to this applicant's enrollment, so that the only remaining

question is as to whether his name appears on these rolls lawfully or unlawfully.

Section 5 of the Amendments to Article III of the Constitution of the Cherokee Nation provides that:

"All native born Cherokees x x x who reside within the limits of the Cherokee Nation, shall be taken, and deemed to be, citizens of the Cherokee Nation."

The Assistant Attorney-General for the Interior Department construed this paragraph in the James E. Shirley case on June 11, 1903, as follows:

"This provision does not say 'who now reside'. It is not merely definitive, limited to then existing conditions, but was evidently intended to apply prospectively through all time. It was so considered in *Wofire vs. United States*, 164 U. S., 757-8, in determining the status of a subsequently intermarried white man to be a Cherokee citizen by force of the Cherokee intermarriage laws and the words 'whites legally members of the Nation by adoption.'"

It is certain then that this applicant is a citizen under the Constitution for he is a "native born Cherokee" and has the qualification of residence required and we would respectfully ask how can his enrollment as a citizen be unlawful.

We notice that the provision of the Constitution says, "native born Cherokees". This does not say "native born citizens". The intention of the Constitution is to distinguish between Cherokees by birth and Cherokees by adoption. This same provision mentions other Indians than Cherokees and also mentions adopted whites. A native born Cherokee is one by birth as distinguished from a Cherokee by adoption.

The history of the Nation shows that two tribes, the Chickasaws and the Igelawares, have by agreement been made Cherokees in so many words. These Chickasaws and Igelawares are Cherokees by agreement, but they are not "native born Cherokees"; they are "native born Chickasaws" and "native born Igelawares" and are also "adopted Cherokees" as distinguished from "native born Cherokees". This applicant is a "native born Cherokee". Any law dictionary will bear us out on this.

Having shown therefore that Francis M. Dawson is a "native born Cherokee"; that he has resided in the Cherokee Nation since 1883, he is, under the Constitution as construed by the Assistant Attorney-General, a citizen and his name, therefore, lawfully appears upon the rolls of the Cherokee Nation and we respectfully ask that he be now enrolled as a Cherokee citizen.

Respectfully submitted,

Nancy G. Kimball.....
Thos. Henry White.....
Attorneys for Applicant.

BEFORE THE DEPARTMENT OF THE INTERIOR,

Washington.

In re:

Application of Francis M. Dawson Jr, Group 8
Cherokee D 627.

Brief on part of the Cherokee nation.

The testimony in this case shows that the applicant Francis M. Dawson Jr is a son of Elbert Dawson who was fraudulently admitted to citizenship in 1883 when the applicant was twenty-two years of age.

Section 21 of the Curtis bill provides "That the Commission shall enroll all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents by reason of their Cherokee blood have been lawfully admitted to citizenship by the tribal authorities and who were minors when their parents were so admitted. "

It will be observed that it was the intention of Congress to ratify all of the legal acts of all of the several Cherokee commissions and to enroll all persons who had been lawfully admitted either by the Cherokee/C Commissions or acts of the National Council and their children "Who were minors when their parents were so admitted. Now the converse of ~~this~~ this must be true It clearly shows that Congress recognized that the admission of the parent did not admit the child unless the child was at that time a minor and under the legal custody and control of the parent. In other words ~~namely~~ in as much as the citizenship of the child is that of the parent; in as much as the residence of the child is that of the parent and the language of this act is not capable of any other construction it clearly directs the Commission to enroll the minor children of admitted parents and if it had intended to have admitted all persons certainly Congress would have said so.

It can not be successfully argued by Council for this applicant that it was an oversight of the court because so far as these records show no application was ever made by this applicant to a Cherokee Commission on Citizenship Again it is to be presumed that the parents of this applicant were given certificates of admission to citizenship which showed upon their face who were admitted and if these applicants were

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aggrieved at the Commission on account of the omission to admit them they then could have applied for readmission to citizenship and such an omission on their part is clearly their own error. It was the duty of no one else; in fact no one else was authorized to act for them or make application for them because they were of age.

The Cherokee nation has contended and does contend that none of these persons are entitled to be admitted to citizenship in the Cherokee Nation but we especially urge that this applicant who was of age when his parents were fraudulently admitted, who was not a minor and who not having been admitted himself is not entitled to be enrolled as a citizen of the Cherokee Nation and that much of the decision of the Commission to the Five Civilized Tribes should be affirmed by the Honorable Secretary of the Interior.

respectfully,

W W Hastings JCA
Attorney for the Cherokee nation.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T., May 14, 1904.

In the matter of the application for the enrollment of
FRANCIS M. DAWSON, son of Elbert Dawson, as a citizen by blood of
the Cherokee Nation.

SUPPLEMENTAL TESTIMONY.

Appearances:

Applicant appears in person and by William Henry White;
Cherokee Nation represented by W. W. Hastings.

FRANCIS M. DAWSON, being duly sworn and examined,
testified as follows:

By William Henry White:

- Q What is your full name? A Francis M. Dawson.
Q Where do you reside? A Talala.
Q In the Cherokee Nation? A Yes sir.
Q How long have you lived there? A Since '83.
Q Was that when you came to the Cherokee Nation? A Yes sir.
Q You are the son of Elbert Dawson? A Yes sir.
Q When was he admitted? A I think it was January 11, '83.
Q You have lived in the nation continuously since you came here
in '83? A Yes sir.
Q When did you first own improvements on the public domain in the
Cherokee Nation? A In '83; I first started a place there on
Talala Creek in '83 when I first come here.
Q How far is that from the town of Talala? A The first improve-
ments was made about 2 miles and 1/2 from Talala.
Q Do you still own them? A Yes sir, a portion of them; I give
a portion of the land there to my father and he still owns a
part of it.
Q Have you put other improvements on the public domain besides
that? A I've had other improvements and sold them at different
times.
Q Do you now own other improvements than this particular farm at
Talala? A No sir.

White: I offer in evidence tax receipt, dated April 7,
1890, signed by Robert D. Ross, Treasurer of the Cherokee Nation,
and license to F. M. Dawson to transact general mercantile
business, dated January 19, 1891, signed by the same official;
permits to employ persons other than citizens, dated February 5,
1895, March 1, 1895, January 1, 1895, April 1, 1895, and June 6,
1895, all signed by Joe H. LaWay, Clerk Cooweescoowee District,
Cherokee Nation.

Hastings: All of these certificates are objected to by
the Cherokee Nation because the same are immaterial and they are
no proof whatever of the applicant being a citizen of the Chero-
kee Nation.

Commission: The documents offered in evidence will be admitted subject to the objection of the Cherokee Nation.

White: The purpose of the offering of these documents is to show recognition of this applicant as a citizen of the nation by the officials of the nation.

Hastings: In order that the Department might not misunderstand the condition, the Cherokee Nation desires to more at length state the grounds for the objection to the introduction of this testimony and in stating this objection to say the reason why these certificates are regarded as immaterial and offering no proof of the citizenship of the applicant is that they are really declaration in the interest of the applicant himself for the reason that it is well known by the Commission that no clerk of any district, whose duty it was to issue permits, had any roll of the citizens of the Cherokee Nation, and that these permits were issued simply upon the application of the party himself, stating that he desired to employ white labor and that he was a citizen of the Cherokee Nation, and that the clerk had no means whatever of verifying his statement and that permits were issued upon the unverified statement of the applicant himself, and if the applicant was not a citizen of the Cherokee Nation these several officials had no means whatever of knowing, and they are, therefore, really declarations in the interest of the party of the applicant himself.

White: We submit that such records as might have been necessary to establish this must have been in the custody of the nation and that, if the nation wanted to, it could have examined its own records, and we further propose to support this evidence by showing that this applicant's name was actually on the rolls of the Cherokee Nation.

Hastings: In reply, the Cherokee Nation desires to insist that the Commission knows that there was no authentic roll made of the citizens of the Cherokee Nation subsequent to the date that the applicant claims to have come to the Cherokee Nation in 1883.

By the Commission:

- Q Mr. Dawson, where were you living in 1890? A I was over on Caney for a while and I moved to Talala.
- Q What district was that in? A Cooweescoowee.
- Q Did you draw any money that year? A Yes sir, I drew at Claremore.
- Q How much? A I think it was \$13.50, as far as I remember; I won't be sure.
- Q Did you draw it yourself? A Yes sir.
- Q Remember who was present when you drew it? A I don't except some of the clerks; Bill Condrey was a clerk and if I am not mistaken, Bob Ross paid me the money.

Commission: It appears, from an examination of the 1890 pay roll for Cooweescoowee District, that one Frank M. Dawson is identified thereon on page 48 of said roll.

- Q Do you know if your father, Elbert Dawson, drew money at the same time? A Yes sir.
- Q Same day? A Yes sir, we were up there together.
- Q You were up there together and drew your money? A Yes sir.

Commission: It appears, from an examination of the roll, that Elbert Dawson, presumed to be the applicant's father, drew money for himself and his children, and that the names of said Elbert Dawson and his three children appear immediately following that of Frank M. Dawson. It appears that the payment made to the Cherokee citizens in 1890 was \$13.70 per capita.

By. William Henry White:

- Q Do you know one T. W. Triplett? A I know Tom Triplett.
Q What is your memory as to his being present at that time?
A Well sir, I couldn't say exactly; I think he was there, but I never paid any particular attention.
Q Do you know who witnessed your signature at that time? A I don't remember but one man, that was W. M. Cordrey.
Q How do you sign your name? A F.M.

(Witness is shown the original pay roll of 1890 in possession of the Commission.)

- Q In the second column of names, is that your signature opposite the name of Frank M. Dawson on the roll? A It's just like mine; it's a little different; I usually make a little more of a turn.
Q You think that is your signature, do you? A I think it is.

By the Commission:

- Q Where were you living in 1894? A Cooweescoowee.
Q Did you draw strip money in 1894? A Yes sir.
Q Did you draw it yourself? A No sir.
Q Who drew it for you? A George Broadwell.
Q Do you know his full name? A George.
Q What is his middle ~~name~~ initial? A George R.
Q He drew it on an order from you? A Yes sir.
Q Are you sometimes known as Frank Dawson? A Yes sir, generally known as Frank Dawson.

Commission: An examination of the 1894 strip payment roll for Cooweescoowee District, shows the name of Frank Dawson there on at Page 176, number 1315, and the roll shows that the money was paid to one G. R. Broadwell who appears to have receipted therefor.

By William Henry White:

- Q There are two other Francis M. Dawsons are there not?
A Yes sir.
Q One of them is your cousin and another one your uncle?
A Yes sir.
Q Where do the other two Francis M. Dawsons live, in what district?
A My uncle lives at Afton in Delaware District; my cousin, his son, lives near Talala in Cooweescoowee.
Q Where was he usually enrolled, your cousin? A I couldn't say where; I was under the impression all the time that he went to Delaware to enroll.

Commission: An examination of the 1894 strip payment roll for Delaware District, shows that one Francis M. Dawson is enrolled thereon, page 378, number 771, and that one Marion Dawson appears on that roll at page 381, number 829.

Q Now your cousin, is he usually known as Frank or Marion?

A Marion.

Q And what do they call your uncle? A Bud.

By the Commission:

Q That is the old one, the original? A Yes sir.

By William Henry White:

Q Mr. Dawson, you wrote me that you thought your strip payment money was drawn by one Meeker; now what relation, business or otherwise, did Meeker have with Broadwell? A They were drummers with the Boston Tea Company at that time.

Q They were partners? A Yes sir.

Q And what made you think Mr. Meeker drew your money? A I gave this order to Mr. Broadwell and at the time he said "I expect Meeker will draw the money as I am working."

Q And when did you find out that Meeker didn't draw it? A I never found out until some time after; I got a letter from him and he wrote me that George drew the money.

Q Was that after you had written to me? A Yes sir.

Q What did they do with the money when they drew it? A I had bought some goods from them and owed them the money and I went down there two or three times, and I gave them the order and I came back.

Q And the money you drew you owed both of them? A Yes sir; I didn't know which one drew it.

By W. W. Hastings:

Q What is the exact date of your birth? A 1860, December 31st.

Q You were born on December 31, 1860? A Yes sir.

Q Where were you born? A Near Berryville, Arkansas, Carroll County.

Q How long did you live in Arkansas? A Until just after the war and then my father moved to Texas.

Q How long did you continue to live in Texas? A Until we was admitted here and moved here to the Territory.

Q You mean until your father was admitted? A Yes sir.

Q When did you move here? A I moved principally in '84; came here in '83, but didn't move everything.

Q Have you been married? A Yes sir.

Q When were you married? A First time August 2nd, 1887.

Q You never married prior to that time? A No sir.

Q You have lived here since '84? A Yes sir, been right here pretty near all the time.

Q Your father's name was Elbert Dawson? A Yes sir.

Q You were never admitted yourself, individually, by the Cherokee Council or Cherokee Commission? A No.

J. G. LIPE, being duly sworn and examined, testified as follows:

By William Henry White:

- Q What is your full name? A J. G. Lipe.
Q Where do you live? A I live at Talala.
Q In the Cherokee Nation? A Yes sir.
Q How long have you lived there? A Since '91.
Q How long have you known Frank Dawson? A I've known him since '84.
Q Where did you get acquainted with him? A Near Claremore, at a little postoffice by the name of Oowala. It's discontinued now.
Q Do you know when he came to the nation? A No sir, I don't know just when.
Q About when? A I think about '83 was the first I ever heard of him.
Q Do you know what improvements he owns on public domain in the Cherokee nation? A He owns a farm.

Hastings: The Cherokee Nation objects on the ground that it is immaterial and calls attention to the fact that intruders have held improvements on the public domain ever since we were a nation.

- Q Where was that farm? A About 2 miles and 1/2 of 3 miles north of Talala on Talala Creek.
Q How long has he owned it? A I don't know; I don't know when he made it.
Q How long do you know that he has owned the farm? A Well, about '90 I guess is the first recollection I have of the farm.
Q What do the improvements consist of, generally? A Well, there's a small house there and some cultivated land.
Q Fences? A Yes sir.
Q Orchard? A I don't think so.

By W. W. Hastings:

- Q Is he a married man? A Yes sir.
Q Wife a citizen? A I don't know.
Q Who did he marry? A I don't know; he married 2 times.
Q First wife a citizen? A No sir.

GEORGE A. MABRY, being duly sworn and examined, testified as follows:

By William Henry White:

- Q What is your full name? A George A. Mabry.
Q You live in the Cherokee Nation? A Yes sir.
Q What is your postoffice? A Talala.
Q You know Frank Dawson who lives there? A Yes sir.
Q You are related to him by marriage, aren't you? A Yes sir.
Q What relation is your wife to him? A She's his aunt.
Q How long have you known Frank Dawson? A I've knowed him some 24 or '5 years.
Q By what name does he usually go? A They call him Frank Dawson.
Q And his full name is Francis M.? A Yes sir.
Q How many Francis M. Dawsons are there in the Cherokee Nation?
A Now I understand there's 3 of them; we know them by different names; one called Bud Dawson.

- Q That's the old gentleman? A Yes sir. The other one we know by Marion Dawson and this one by name of Frank Dawson.
Q When did Frank Dawson come to the nation? A He came in '83.
Q Been living here ever since? A Yes sir, he's been living here ever since '84. He came up with me in '84 and when I came back he came with me.
Q Do you know this farm he has there? A Yes sir.
Q Where is it? A 2 miles north of Talala.
Q How many acres in the farm? A I don't just remember how much there is in the place.
Q About how many?

Hastings: Objected to by the Cherokee Nation as being irrelevant and immaterial as the public records show that hundreds of intruders own farms upon the public domain in the Cherokee Nation.

- A Well, under that fence, there must be something over 100 acres in there; they join fences.
Q Is there a house on the place? A Yes sir.
Q He has continued to own that since he came here in '84?
A Yes sir.
Q Has he had stock on there all the time, or do you know? A He has had them on there, around there.

Hastings: Objected to by the Cherokee Nation as immaterial.

FRANCIS M. DAWSON, recalled, testified as follows:

By W. W. Hastings:

- Q You were married in '87? A Yes sir.
Q What was your wife's name? A Lou.
Q Lou what? A She had been married once; her name was Lou Yeargain; Lou Roberts before she married.
Q Did she claim citizenship? A No sir.
Q When were you married the second time? A February 4, 2 years ago.
Q Does your present wife claim citizenship? A Yes sir.
Q Has she been enrolled? A Yes sir..

By William Henry White:

- Q How many Francis M. Dawsons are there? A 3.
Q One of them your uncle? A Yes sir.
Q What do they call him? A Bud.
Q What do they call you? A Frank.
Q What do they call your cousin, Francis? A Marion.

Commission: No further evidence being offered, proofs are closed and the case will be submitted to the Commission for further consideration.

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Habel P. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded

D-627, (7)

recorded the supplemental testimony and proceedings in this case,
and that the foregoing is a true and complete transcript of her
stenographic notes thereof.

Mabel T. Maxwell

Subscribed and sworn to before me
this 27th day of May, 1904.

Simon R. Wallingford

Notary Public.

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NOTICE!

IN THE MATTER OF the application of Francis M. Dawson
for enrollment as Cherokee citizens:
Case No. D 627

To Francis M. Dawson *Nanula 25*

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of _____ Indian Territory, on March, 17, 1902. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this March, 10, 1902.

Mr. W. Hastings

Attorneys for the Cherokee Nation.

D. 627

INDIAN TERRITORY,

CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
day of A. D. 190

Given under my hand this
day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
day of , 190

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me
this

Notary Public.

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AYERWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPLY IN REPLY TO THE FOLLOWING:

Cherokee R 627

Vinita, Indian Territory, January 10, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 20, 1902, rejecting the application of Joseph Price for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation was affirmed by the Secretary of the Interior on December 22, 1902.

Respectfully,

Acting Chairman.

CRS

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COMMISSIONER
JAMES HENRY
THOMAS H. HARRIS
C. R. HARRINGTON
W. J. HARRIS

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-627.

Tahlequah, Indian Territory, April 18, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:-

On March 31, 1904, the Secretary of the Interior remanded for further hearing and readjudication, the application of Francis M. Dawson, for enrollment as a citizen by blood of the Cherokee Nation, Cherokee D-627.

The applicant and his attorney have this day been notified that any further testimony they may have to introduce in this case can be presented at the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on May 14, 1904, at which time you may, if you desire, also be present and introduce testimony on behalf of the Cherokee Nation.

Evidence is particularly required as to the identity of the applicant on the 1894 Pay Roll, and as to his residence.

Respectfully,



Commissioner in Charge.
Cherokee Land Office.

RP

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Cherokee D-627.

Muskogee, Indian Territory, July 12, 1905.

W. W. Hastings,

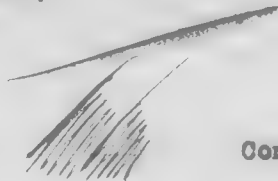
Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of
Francis Marion Dawson as a citizen by blood of the Cherokee Nation,
you are advised that the decision of the Commission to the Five
Civilized Tribes, dated November 5, 1904, granting, among others,
said application, was approved by the Secretary of the Interior
on June 26, 1905.

Respectfully,



Commissioner.

CHEROKEE.

D. 627

James M. Dancy

JUL 1 1895

See also last page

See also last page

See also last page

Cher D 628

Cher D 628

Doubtful.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. October, 17th 1900.

In the matter of the application of Olive Heath for the enrollment of herself as a Cherokee Citizen, she being first duly sworn before Commissioner Breckinridge, testified as follows:

- Q What is your name please? A. Olive Francis Heath.
Q How old are you? A. 26 years.
Q What is your post office? A. Nowata, I. T.
Q Do you reside in Cooweescoowee District? A. Yes sir.
Q Who is it that you want put on the roll? A. Myself.
Q You are not married? A. No sir.
Q Are you a Cherokee by blood? A. Yes sir.
Q How long have you lived in the Cherokee Nation? A. Since I was nine years old, for the last 17 years.
Q Give me the name of your father? A. Webster Heath.
Q Is he dead or alive? A. Alive.
Q Give me the name of your mother? A. Jane.
Q Is she dead or alive? A. Dead.
Q You were admitted to Cherokee citizenship in 1884, were you? A. Yes sir.
Q Have you a certificate of admission with you at this time? A. No sir I have not.
1896 roll, page 35, No. 949, Olive Heath, Canadian District.

The applicant states that she was admitted to Cherokee citizenship in 1884 by the Cherokee Commission, and that she has lived in the Cherokee Nation for the past 17 years. She is identified on the roll of 1896 and will be listed now on a white card as a Cherokee by blood to await the production of a certified copy of the act admitting her to citizenship.

Chas. von Weise, being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings.


Subscribed and sworn to this the 18th of October, 1900.


Commissioner.

2062.8

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAY 18 1906

Acting Chairman.

896
Chero. D-628.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 27, 1902.

In the matter of the application of Olive F. Heath for enrollment as a Cherokee citizen.

Supplemental Statement.

On November 13, 1900, there was filed with the Commission to the Five Civilized Tribes a certified copy of the proceedings of the Cherokee Commission on Citizenship in relation to the application of Olive Heath for citizenship, from which it appears that on September 13, 1884, it was determined that Olive Heath was a Cherokee by blood, and as such entitled to all the rights and privileges of Cherokee citizenship in the Cherokee Nation, and that she was, by said Commission, admitted to a full and complete enjoyment of the same, "in all respects as a native born Cherokee".

Said certified copy is duly attested by A. B. Cunningham, Assistant Executive Secretary of the Cherokee Nation, and the Seal of the Cherokee Nation thereto affixed.



Commissioner.

J.R.

Cherokee D-628.

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of Olive F. Heath for the
enrollment of herself as a citizen by blood of the Cherokee Nation.

—O—

On the 17th day of October, 1900, Olive F. Heath appeared before the Commission to the Five Civilized Tribes and made application for enrollment as a citizen by blood of the Cherokee Nation.

At the conclusion of the evidence offered at that time, the said Olive F. Heath was placed upon a doubtful card awaiting the production of a certificate admitting her to Cherokee citizenship, or a certified copy thereof.

Further evidence in that matter has been submitted to this Commission and the following decision is rendered:

D E C I S I O N .

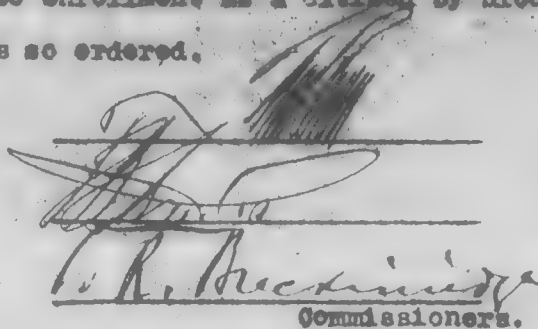
From all the evidence of record in this case it appears that Olive F. Heath was duly admitted to citizenship in the Cherokee Nation on the 10th day of September, 1884, as a Cherokee by blood, and has resided continuously in the Cherokee Nation since her admission. She is identified on the Cherokee census roll of 1896.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

-2-

Under the facts and the law in this case it is considered that Olive F. Heath is entitled to enrollment as a citizen by blood of the Cherokee Nation, and it is so ordered.


Commissioners.

Dated at Muskogee, Indian Territory,

JUN 9 - 1902

COMMISSIONERS
HENRY L. DAWES,
TAMM B. COY,
THOMAS B. NEEDLEN,
C. R. DICKINSON.

ALFRED W. AYERSWORTH,
CLERK.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

NOTED IN FILE OF THE FOLLOWING

Cher. D-628.

Muskogee, Indian Territory, June 9, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

Enclosed herewith please find copy of the decision of the Commission rendered June 9, 1902, in the matter of the application of Olive F. Heath for enrollment as a citizen of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the person above named as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Yours truly,


Acting Chairman.

Encl. D-628.

NO 628

IN THE MATTER OF THE APPLICATION OF

Olive F. Heath

FOR ENROLLMENT AS

CITIZEN OF THE CITY OF

- 1. Original testimony, Oct. 17, 1900
- 2. Memo. of application, Oct. 17, 1900
- 3. Certified copy of record of admission
- 4. Subpoena on Robert A. Smith, Oct. 17, 1900

Cher D.629

Cher D 629

Department of the Interior
Commission to the Five Civilized Tribes
Nowata, I.T., October 17, 1900.

In the matter of the application of George W. Riley for the enrollment of himself as a Cherokee citizen, being sworn and examined by Commissioner of Needles he testified as follows:

- Q What is your name? A George W. Riley.
Q What is your age? A 26.
Q What is your post-office? A Nowata.
Q In what district do you live? A Cowassee.
Q Are you a recognized citizen of the Cherokee Nation by blood?
A Yes sir.
Q What degree of blood do you claim? A 15th.
Q Cherokee? A Yes sir.
Q For whom do you apply for enrollment? A Just myself.
Q What is your father's name? A Samuel K. Riley.
Q Is he living? A No sir.
Q What is your mother's name? A Sallie Riley.
Q Is she living? A No sir.
Q Have you always resided in the Cherokee Nation? A Yes sir.
Q Live there now? A Yes sir.
133 roll examined for applicant and name not found;
136 roll page 237 #3379 George Riley Cowassee District; native
Cherokee, 22 years old.
137 roll page 284 #3590 Geo. W. Riley Cowassee Dist.
Q Have you always lived in the Cherokee Nation? A Yes sir.
Q Born there? A Yes sir.
Q Your parents are both dead? A Yes sir.

Commissioner: The name of George W. Riley appears upon the census roll of 1897 as George Riley and upon the pay roll of 1904 as Geo. W. Riley; his name does not appear upon the authenticated roll of 1890; no positive testimony is introduced showing that he is entitled to the rights of Cherokee citizenship; consequently final judgment as to his enrollment will be suspended and his name will be placed upon a doubtful card.

James being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript. He is a graphic notes taker.

Subscribed and sworn to before me this 18th day of October, 1900.

Commissioner.

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Department of the Interior,
Committed on to the Five Civilized Tribes,
Nowata, I.T., October 18, 1890.

D. 829.

In the matter of the application of George W. Riley for enrollment as a Cherokee citizen.

Additional testimony.

Mary Roberts, being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Mary Roberts.
Q What is your age? A 34.
Q What is your post office? A Nowata.
Q Do you know George W. Riley? A Yes, sir.
Q Do you know the reason why George W. Riley's name is not on the authenticated roll of 1880? A Yes, sir, mother died when he was four years old and Uncle Blue Rider was the guardian for three of us, and Laura Johnson was guardian for him; that was a sister of ours.
Q Is he your brother? A Yes, sir, he is my brother and his name is in the bible with the rest of us.
Q The remainder of your family was on the roll of 1880? A Yes, sir, but we were at the orphan asylum and he wasn't; he was only four years old.
Q Where was he? A He was up on Hickory Creek.
Q His father and mother were dead then? A Yes, sir, his other brothers and sisters were at the orphan asylum, three of us.
Q Was Mary? A Yes, sir, Mary Riley, John Riley, and Will Riley were at the orphan asylum, and George Riley was with this other married sister, and why they didn't put him on the roll I don't know..
Q There were three of you? A There was four of us with him.
Q Three of you were at the orphan asylum and were put on the roll? A Yes, sir.
Q He wasn't with you at that time? A No, sir.
Q Was his mother a Cherokee by blood? A Yes, sir.
Q Was his father? A Yes, sir.
Q Was he born in the Cherokee Nation? A Yes, sir.
Q Who was he living with at that time? A He was living with my sister, Mrs. Johnson; she took out letters of guardianship.
Q Is she living? A No, sir, she is dead.

A. F. Johnson, being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A A. F. Johnson.
Q What is your age? A 50.
Q What is your wife's name? A Laura S. Johnson.
Q Who was Louise Johnson? A I don't know.
Q Have you enrolled her yet? A Not yet.
Q Do you now know George W. Riley? A Yes, sir.
Q What relation was he to you? A None, except his brother in law.
Q Do you know the reason his name wasn't on the roll of 1880? A I think I do; we were living at that time with my mother in the same house, and they told him to call my mother his mother, and Hicks and Dick Hicks came around and taken the census, and he called my mother his mother, and they thought he was a white boy because he called my mother, Mother, a white woman, when he was really a Cherokee. My wife told him he was a Cherokee, but they refused to put him on the roll, and we didn't get the pay at that time, but we got it afterwards from the legation.
Q Was his mother a white woman? A No, sir, she was a Cherokee.
Q His father a white man? A No, sir, he was a Cherokee.
Q There wasn't much Cherokee in either one of them? A Both had Cherokee blood in them, passed for Cherokees.
Q He was living with you at that time? A Yes, sir, living with us at that time.
Q You got yourself on the roll, didn't you? A I guess it is there, my wife got it there, I wasn't there.

George W. Riley & S.

Q Your wife got on? A Yes, sir.

Q You didn't take interest enough in this boy to put him on? A Yes sir, she told them this boy went on, but they wouldn't put him on because he called my mother Mother, and they thought that we were trying to ring on a white boy on them.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 19th of October, 1900.

John H. Ly

Notarised over.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George W. Riley for enrollment as a citizen by blood of the Cherokee Nation.

DECISION.

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The record in this case shows that on October 17, 1900, George W. Riley appeared before the Commission at Nowata, Indian Territory, and then and there made application for his enrollment as a citizen by blood of the Cherokee Nation. On October 18, 1900, at Nowata, further evidence was submitted relative to this application.

The evidence in this case shows that George W. Riley is twenty-six years old. He is the son of Samuel K. and Sallie Riley, and it appears he was left an orphan when four years old. He is not identified upon the authenticated tribal roll of 1880, but his name appears upon the Strip payment roll of 1894, and the Cherokee Census roll of 1896, and he has resided in the Cherokee Nation all his life. His two brothers John and Will Riley and his sister Mary Riley are identified on the Orphan roll of 1880 as follows:

Mary Riley, page 27, No. 74, Saline District.

John Riley, page 27, No. 80, Saline District.

Will Riley, page 27, No. 81, Saline District.

The authority of the Commission herein is defined in Paragraph 1, Section 21, of the Act of Congress, June 28, 1898, (30 Stats., 498):

It is therefore the opinion of the Commission that George W. Riley is lawfully entitled to be enrolled as a member by blood

-2-

of the Cherokee tribe of Indians in Indian Territory and that his application for enrollment as such should be granted, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

C. A. Buckinridge
Commissioner.

Dated at Muskogee, Indian Territory,

this SEP 20 1902

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 629.

Muskogee, Indian Territory, September 29, 1902.

W. W. Hastings,

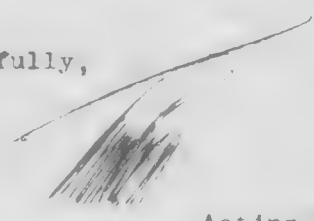
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of George W. Riley for the enrollment of himself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. C. No. 62.

IN THE MATTER OF THE APPLICATION OF

George H. Niles.

VS

CHEROKEE CITIZENS.

A. Original testimony, Oct. 17, 1900.

B. Memo. of application, Oct. 17, 1900.

C. Supplemtnary testimony, Oct. 18, 1900.

D. Receipt for testimony.

E. Letter to applicant re to enrollment.

Cher D 630

Cher D 630

APPLICANT, LAURA E. HOWARD, doubtful intermarried.
Husband, Edward T. Howard, Delaware
Child, Robert F. Howard, DOUBTFUL DELAWARE.

Department of the Interior,
Commission to the Five Civilized Tribes,
Wash., D. C. October, 17th 1900.

In the matter of the application of Laura E. Howard, for the enrollment of herself, husband and one child as Cherokee citizens. The being sworn testified before the Commission as follows:

Q What is your name? A. Laura E. Howard.
Q How old are you? A. 33.
Q What is your post office? A. Now La.
Q What is your district? A. Coconino.
Q Who is it that you want put on the roll? A. Myself, husband and one child.
Q Are you a white woman? A. Yes sir.
Q What is your husband? A. Delaware.
Q Is he a full blood? A. Yes sir.
Q When did you marry him? A. October, 11th 1895.
Q Have you a certificate of marriage? A. I have one, but it was in trunk and that was lost on the train.
Q Have you lived in the Cherokee Nation ever since your marriage with him? A. Yes sir.
Q Were you ever married before? A. No sir.
Q Was he ever married before? A. No sir.
Q What is your husband's name? A. Edward T. Howard.
Q How old is he? A. I cannot tell you that, I think he is 30 or 32 years old.
Q Was he born in the Cherokee Nation? A. Yes sir.
Q Lived here all his life? A. Yes sir.
Q Give me his father's name? A. I cannot tell you that.
Q Give me the name of his mother? A. Amanda.
Q Is she living now? A. Yes sir.
Q What is the name of your child? A. Robert F. Howard.
Q How old is that child? A. 4 years old.
1890 roll, page 140, No. 2105, Edward Howard, Coconino, Adm. Del.
1896 372
1898 495, Edward Howard,
1898 318 761 Laura Howard,

The applicant applies for the enrollment of herself, husband and one child. Her husband is identified on the roll of 1890 and 1896 as a Delaware. He has lived in the Cherokee Nation all his life, and he will be listed now for enrollment as a Cherokee-Delaware. She states that she was married to him in October 1895 but is unable at this time to present a certificate of marriage. She is identified on the roll of 1896, and states that she has lived in the Cherokee Nation with her husband ever since their marriage, and that neither of them were ever married before. She will be listed now on a doubtful and as an intermarried citizen, awaiting the production of a certificate as to her marriage to her husband Edward Howard. When she presents proper certificate as to the birth of the child Robert F. Howard, this child will be listed for enrollment as a Cherokee-Delaware.

BY THE CHIEF OF REPRESENTATIVE:

Q Where is your husband now? A. I cannot tell you.
Q He is not in this country? A. No sir.
Q How long has he been out? A. I cannot tell.

By Commission:

Since the above evidence is rendered it develops

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that the husband is not in the Cherokee Nation. He is a full blood Delaware, and his wife states that he has not been in the Cherokee Nation for 3 years, therefore the order for his enrollment is cancelled and he will be placed on a doubtful card awaiting further proof as to his residence.

BY THE COMMISSION:

Q What is the reason that your husband left this country? A. He got into some kind of trouble.

Q What kind of trouble? A. I cannot say.

Q Was he fleeing from the law when he left this country? A. Yes sir.

He appears to be fleeing from the law, and it has always been the rule of this Commission that where a person is fleeing from the law and for that reason has departed the country, not to accept an application for his enrollment from some one else, but compel said person to come in and make an application in person.

Chas. W. Polk being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cases and that the above and foregoing is a true, correct and full transcript of all the proceedings had in the above proceedings.

Chas. W. Polk

Subscribed and sworn to before me this 10th day of October, 1900.

[Signature]

Commissioner.

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2630

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
AUG 18 1900

ACTING CHIEF

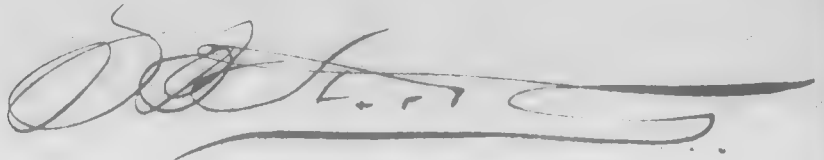
Supl.-C.D.#630.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 6, 1902.

SUPPLEMENTAL in the matter of the enrollment of LAURA E. NEW-
COMB as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 15, 1902, that her application for enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902, that on said date she might appear before the Commission either in person or by Attorney and an opportunity would be given her to introduce any further testimony affecting her application. Receipt has been acknowledged of Commission's letter. The applicant having this day, to-wit: the 6th day of March, 1902, been called and failing to respond either in person or by attorney, it is directed that the case be closed and that the same be reported to the Commission for a final decision based upon the evidence now of record.

Mr. W. W. Hastings, Cherokee Representative, present.



Commissioner.

J.O.R.

R

C. D-681

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 7, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Thomas J. Carter for enrollment as a Cherokee citizen.

Appearances:

Applicant in person;

W. H. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 17, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up by the Commission for final consideration at its offices in Muskogee, Indian Territory, on the 7th day of March, 1902; receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: the 7th day of March, 1902, appears in person.

THOMAS J. CARTER, being first duly sworn and being examined testified as follows:

BY COMMISSION:

Q What is your name? A Thomas J. Carter. Thomas Jefferson Carter.
Q Where do you live? A I live in Ardmore, Chickasaw Nation.
Q You are an applicant before the Commission for enrollment as a citizen of the Cherokee Nation? A Yes sir.

JOHNSA ROSS, being first duly sworn and being examined testified as follows:

BY COMMISSION:

Q What is your name? A Joshua Ross.
Q Where do you live? A Muskogee.
Q What is your age? A 69.
Q Are you acquainted with the applicant in this case, with Thomas J. Carter? A Yes sir.
Q How long have you known him? A I have known him ever since '58, I knew him then, when he was a boy, and I have seen him once or twice since the war.
Q Where did he live when you knew him in '58? A He lived between Park Hill and Tahlequah, Cherokee Nation.
Q How long did he continue to live there? A Up until the breaking out of the war in '61.
Q Where did he go then? A Went south.
Q You know where to? A No sir.
Q When did you see him next? A I saw him somewhere between '90 and '96 somewhere about '96 I reckon, or '94.
Q Where was he living at that time? A He was in Tahlequah when I saw him, in the Cherokee Nation.
Q You don't know of your own knowledge how long he had been living there? A He wasn't living there, just met him on the street.
Q He was there on a visit, that your understanding? A I didn't ask him; I saw him there; afterwards I understood he married there in Tahlequah.
Q Where did he come from to Tahlequah in 1894? A From the Choctaw or Chickasaw Nation.
Q You know how long he remained in Tahlequah? A No sir.
Q When did you next see him? A On the street here this morning.
Q Then you have only seen him twice since the war? A About three times since the war; I know that he is the identical Jeff Carter that I went to school with at Riley's Chapel between Park Hill and Tahlequah.
Q When was that Mr. Ross? A '48.
Q '58 you said a while ago? X
Applicant: It must have been '58.

A I meant '48; it was his brother then I went to school with at Riley's Chapel, and he was a little boy then.

Q By Commission of applicant: You want to ask any questions, Mr. Carter? A No sir.

MR. HASTINGS waives examination.

APPLICANT, THOMAS J. CARTER, being re-called and further examined testified as follows:

BY COMMISSION:

Q Where have you been making your home for the last 22 years?

A Why about twenty years ago I reckon I lived at Mill Creek, that is in the Chickasaw Nation, about 30 miles north-east of where I now live at Ardmore, and my brother died there; rather he died when he lived at Ardmore, I still lived at Mill Creek, running a ranch there when he died; we sold out all the property we had and divided it up; I come home here then.

Q What year was that in? A That was in 1894. I married my first wife up here at Fort Gibson.

Q How long did you remain here in the Cherokee Nation then? A One year, and she died and then I went back to Ardmore and I have been there ever since.

Q As a matter of fact have you lived in the Cherokee Nation since the outbreak of the Civil war? A I lived here in 1894.

Q You stayed here for a year? A Yes sir, and then I was back and forth, my people was here except my brother.

Q You own any property here? A I did own a place and I gave it to my wife's son when I left in 1895; she was a widow woman when I married her.

Q Your wife have never drawn any money since you left? A I drew the Strip money.

Q Was that by special act of the Council or did your name appear upon the 1894 roll? A It was by act of the Commission appointed by the Council; I put it in before the Commission; there was a special committee you know appointed from the body.

Q Did you receive the money at the general payment or afterwards? A Afterwards. Mr. Hastings was there when I drew my money, but I don't know whether he remembers it.

Q You were not living in the Cherokee Nation when the roll of 1880 was made? A No sir.

Q You were not living here when the 1896 roll was made? A No sir, I was here in 1894 up until after 1895.

Q Have you ever made your home outside of the Territory since your birth? A No sir, always lived in the boundaries of the Territory.

Q Is there any further statement you desire to make relative to your enrollment? A No sir, I believe not, that is about all I think I can state to you.

Q Do you submit the case to the Commission for final consideration? A Why I suppose so.

BY COMMISSION: The applicant will be given ten days from date hereof to furnish the Commission with a certified copy of the act of the Cherokee National Council appropriating for his use his pro rata share of the Cherokee Strip money.

The applicant and the representative of the Cherokee Nation present submit the case and same is ordered closed and reported to the Commission for final decision based upon the evidence now of record in addition to the certified copy of the act of the National Council which the applicant is required to furnish to the Commission.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

DEPARTMENT OF JUSTICE
COMMISSION TO THE FUEL

FILED

MAR 12 1902

ACTING CHAIRMAN

Cherokee D-630

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., October 18, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application of LAURA E. (NEWCOMB) BANKS for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation: being sworn and examined she testified as follows:

BY COMMISSION:

- Q What is your name? A Laura E. Newcomb, Banks now.
Q How old are you? A 25 years old.
Q What is your post-office address? A Nowata, I. T.
Q You live in Coowascoowee District? A Yes sir.
Q You claim citizenship, or did claim citizenship in the Cherokee Nation, by intermarriage? A Yes sir.
Q What was the name of your Cherokee husband? A Edward T. Newcomb.
Q When were you married to him? A I was married the 11th day of October, about seven years ago.
Q Were you married under Cherokee law to Edward T. Newcomb? A Yes sir.
Q You are separated and divorced from him, and have since married another man? A Yes sir.
Q When were you married this second time? A 21st day of this last March, 1902.
Q What is the name of the man to whom you were married at that time? A John Banks.
Q Is he a Cherokee or a white man? A White man.
Q He has no rights whatever as a citizen of the Cherokee Nation? A No sir.
Q Have you your certificate of marriage to your first husband Newcomb? A Yes sir.
Q You have a child enrolled, a child by your first husband? A Yes sir.
Q Will you send that certificate to the Commission to be filed in the case of that child? A Yes sir.

-----0-----

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this November 4th, 1902.

Greuter
Notary Public.

COMMERCIAL BANK OF THE UNITED STATES

NOV 7 1902

TO THE ORDER OF THE BOARD OF DIRECTORS
OF THE COMMERCIAL BANK OF THE UNITED STATES
NEW YORK
\$100.00
PAID TO THE ORDER OF THE BOARD OF DIRECTORS
OF THE COMMERCIAL BANK OF THE UNITED STATES
NEW YORK
NOV 7 1902

THE COMMERCIAL BANK OF THE UNITED STATES
NEW YORK
PAID TO THE ORDER OF THE BOARD OF DIRECTORS
OF THE COMMERCIAL BANK OF THE UNITED STATES
NEW YORK
NOV 7 1902

THE COMMERCIAL BANK OF THE UNITED STATES
NEW YORK
PAID TO THE ORDER OF THE BOARD OF DIRECTORS
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NEW YORK
NOV 7 1902

THE COMMERCIAL BANK OF THE UNITED STATES
NEW YORK
PAID TO THE ORDER OF THE BOARD OF DIRECTORS
OF THE COMMERCIAL BANK OF THE UNITED STATES
NEW YORK
NOV 7 1902

Cherokee D-630. AAA
K

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Laura E. Newcomb for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

The record herein shows that on October 17, 1900, Laura E. Newcomb appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment, among others, of herself as a citizen by intermarriage of the Cherokee Nation. The other parties to the application are differently classified, Robert F. Newcomb, applicant's husband, being enrolled on Cherokee-Delaware roll card, No. 675, and they are not embraced in this decision. Further proceedings were had in the matter of said application at Nowata, Indian Territory, on October 18, 1902.

The applicant, Laura E. Newcomb, claims that she was married on October 11, 1895, to Edward F. Newcomb, a citizen by blood of the Cherokee Nation, and she is identified on the Cherokee Census roll of 1896 as the wife of said Edward F. Newcomb. It appears however, that the applicant and her said husband, Edward F. Newcomb, are divorced and that on March 31, 1902, she was married to John Banks, a white man.

Section twenty-one of the Act of Congress approved June 20, 1902, (30 Stats., 481), provides for the enrollment of Cherokee citizens "with such inter-married white persons as may be entitled to citizenship under Cherokee laws."

Section 666 of the Compiled Laws of the Cherokee Nation (1899), provides:

"Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the demise of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

It is, therefore, the opinion of this Commission that the application for the enrollment of Laura E. Newcomb, as a citizen by intermarriage of the Cherokee Nation, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Nowata, Indian Territory,
this DEC 10 1902

COMMISSIONERS
HENRY I. DAWES
TAMM BIXBY
THOMAS H. NEEDLES
C. R. BRECKINRIDGE

ATTORNEY L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 630.

Muskogee, Indian Territory, December 19, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, rejecting the application of Laura E. Newcomb for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,


Commissioner in Charge,
Acting Chairman.

Enclosure H. No. 359.

COMMISSIONERS
HENRY L. DAVIS
TAMM BERRY
THOMAS H. NEIDUS
C. R. BRICKKINDGE

ALFRED L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

OFFICE IN RELY TO THE FOLLOWING

Cherokee D-630

ADDRESS: NEW YORK
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 28, 1903.

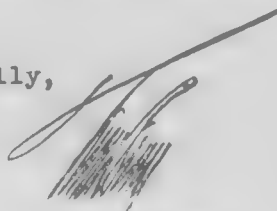
W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 10, 1902, rejecting the application of Laura E. Banks for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 16, 1903.

Respectfully,



Chairman.

630

IN THE MATTER OF THE APPLICATION OF

Laura E. Newcomb

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

650
Held for evidence
IN THE MATTER OF THE APPLICATION OF

Laura E. Necomb

FOR ENROLLMENT AS
CHEROKEE CITIZENS.

- A Original testimony, Oct. 17, 1900
- A Memo. of application, Oct. 17, 1900.
- P Notice of final consideration 3/6/02
- P Order during testimony 11/1/02

Done at _____
this _____ day of _____
1902

Cher D 631

Cher D 631

Applicant and his half-brother Dennis B. Gilbert- Straight Cherokee
Wife- rejected
Child- doubtful

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. October, 19th, 1900.

In the matter of the application for enrollment as Cherokee citizens
of George Gilbert for himself, wife, one child and a half brother.
He being sworn testified before the Commission as follows.

Q What is your name? A. George Gilbert.
Q What is your age? A. 31.
Q What is your post office? A. Coffeyville, Kas.
Q What is your district? A. Coconawocowee.
Q Who is it that you want put on the roll? A. Myself, wife, one
child and a half-brother.
Q How old is your half-brother? A. 18 years.
Q Is he an orphan? A. Yes sir.
Q Are you his guardian? A. Yes sir.
Q Are you a Cherokee by blood? A. Yes sir.
Q Is your wife a white woman? A. Yes sir.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Give me the name of your father? A. Allen Gilbert.
Q Is he dead? A. Yes sir.
Q What is the name of your mother? A. Kimmittia Gilbert.
Q Is she dead? A. Yes sir.
Q Give me the name of your wife? A. Lula.
Q How old is she? A. 22.
Q When were you married to her? A. November last, 1899.
Q Have you a certificate of marriage with you? A. No sir.
Q Were you ever married before? A. No sir.
Q Was she ever married before? A. No sir.
Q Has she lived with you ever since you were married? A. Yes sir.
Q What was her name when you married her? A. Lula Martin.
Q Give me the name of your child? A. Esther.
Q How old is this child? A. 7 weeks.
Q Give me the name of your half brother? A. Dennis B. Gilbert.
Q How old is he? A. 18.
Q Is he a Cherokee by blood? A. Yes sir.
Q Has he lived here all his life? A. Yes sir.
Q Give me the name of his father? A. Allen Gilbert.
Q Is he dead? A. Yes sir.
Q Give me the name of his mother? A. Josephine.
Q Is she dead? A. No sir.
Q Is she a Cherokee? Yes sir.
Q How old is she? A. 24.
Q Has his mother lived in the Cherokee Nation all her life? A. Yes.
Q What was her name in 1880? A. Rider.
Q Rider was her maiden name? A. Yes sir.
Q You think she was a single woman in 1880? A. Yes sir.
Q Was your father regularly married to this woman Josephine? A. No
sir I don't think he was.
Q Has Josephine Rider ever been married at all? A. No sir, I don't
think she has, she goes by that name yet.
Q Never had a regular husband that you knew of? A. No sir.
1880 roll, Page 30, No. 844, George Gilbert, Canadian District, I.O.
1890 Yes 1788 Josephine Rider, Tahlequah, N. C.
1895 100 2038 Geor e Gilbert, Coconawocowee.
1898 100 2038 Dennis Gilbert.
Q Has this half-brother lived with your family all his life as the
child of your father by this woman? A. Yes sir for about eight years.
Q Has he always been recognized as the child of Josephine Rider? A
Yes sir.
Q And for the past eight years has lived with your family? A Yes sir.
Q Where is the certificate of your marriage? A. Left it at home.
Q Why didn't you bring your papers with you when you came to get en-
rolled? A. Didn't think that I needed it as we were married in Kansas.

EXHIBIT ORIGINAL

EXHIBIT ADVANCE

George Gilbert 2

The applicant applies for the enrollment of himself, wife, one child and a half-brother, who is a minor and in his charge.

The applicant is identified on the 1880 and 1890 rolls as a Native Cherokee, has lived in the Cherokee Nation all his life and will be listed now for enrollment as a Cherokee by blood. His half-brother is identified on the roll of 1890 as a Native Cherokee. He is a minor and too young to be on the roll of 1890, but his mother is identified on that roll. This half-brother, Dennis B. Gilbert has lived in the Cherokee Nation all his life and will be listed now for enrollment as a Cherokee by blood.

The applicants wife as stated by him, was married to him in November 1898, she being a white woman; that they have neither been married before. He does not present a certificate of marriage, but in any event his marriage to her was too late to confer citizenship upon her and the application as to his wife will therefore be rejected. He states that his child is seven weeks old but he does not establish that fact either of its birth or of his marriage to his wife. The name of the child either will, upon presentation to the Commission of the proper proof of its birth, ~~and of the marriage~~ be placed upon a ~~certified~~ card to await satisfactory evidence as to the marriage of applicant to his wife.

Chas. von Waisa, being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled case and that the foregoing is a full, true and correct transcript of his stenographic notes of said proceedings.

Chas von Waisa

Subscribed and sworn to before me this the 18th of October, 1900.



Commissioner.

POOR ORIGINAL -
BEST AVAILABLE COPY

870
Cherokee D-631.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 26, 1908.

In the matter of the application of George Gilbert for the enrollment of his minor child, Esther Gilbert, as a citizen of the Cherokee Nation.

—o—
Supplemental Statement.

On October 24, 1900, there was filed with the Commission a certificate from which it appears that George Gilbert was married to Lulu M. Martin on the 9th day of November, 1898, by Herman J. Hoover, Pastor M. E. Church.

On the 18th day of October, 1900, there was filed with the Commission a Birth affidavit, duly executed by Lulu M. Gilbert, from which it appears that Esther Gilbert was born on the 26th day of August, 1900; that she is the child of George Gilbert and Lulu M. Gilbert, and was living at the date of the execution of the affidavit. Said affidavit was approved.


Commissioner.

COPIES

MAY 12 1902

ACTING CHAIRMAN

Department of the Interior,

Commission to the Five Civilized Tribes.

In the matter of the application of George Gilbert for the enrollment of his minor child, Esther Gilbert, as a citizen of the Cherokee Nation.

On the 18th day of October, 1900, George Gilbert appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself, his half-brother, Dennis B. Gilbert, and his child, Esther Gilbert, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Lulu Gilbert, as a citizen by intermarriage of the Cherokee Nation.

At the conclusion of the evidence offered at that time George Gilbert and his half-brother, Dennis B., were listed for enrollment on a regular card, and his wife, Lulu, was refused enrollment. The name of Esther Gilbert was placed upon a doubtful card, awaiting proof of marriage of her parents and also proof of her birth.

Further evidence has been submitted to this Commission and the following decision is rendered:

D E C I S I O N .

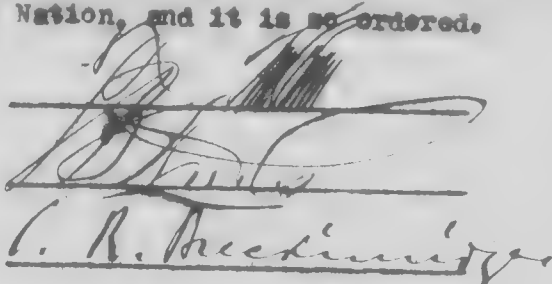
From the evidence of record in this case it appears that Esther Gilbert is the child of George Gilbert and Lulu Gilbert, his wife. The said George Gilbert is duly identified on the 1880 authenticated tribal roll of the Cherokee Nation and the 1896 census roll of the Cherokee Nation, and has resided in the Cherokee Nation all his life. It appears that he was married to his wife, Lulu, on the 9th day of November, 1899. The child, Esther, is not identified upon any roll of the Cherokee Nation, having been born subsequent to the preparation of any roll, but she is duly identified by the birth affidavit filed in the case.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act

of Congress approved June 25, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and ninety (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the facts and the law in this case it is considered that Esther Gilbert is entitled to be enrolled as a citizen by blood of the Cherokee Nation, and it is so ordered.



C. R. Buckinridge

Commissioners.

Dated at Muskogee, Indian Territory,

MAY 27 1902

COMMISSIONERS
HENRY L. JAMES
JAMES H. HARRIS
THOMAS H. NEEDLES
J. C. HARRINGTON

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 27, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes rendered May 27th, in the matter of the application of George Gilbert for the enrollment of his minor child, Esther Gilbert, as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of said person as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Very respectfully,


Acting Chairman.

Encl. D-681.

COMMISSIONERS
HENRY L. DAWES
TAMM BIRBY
THOMAS B. NEIDER
C. R. BUCKENHIDE

ALLISON L. AYERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R 631

Vinita, Indian Territory, January 10, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 20, 1902, rejecting the application of Isaac C. Beck for the enrollment of his wife, Rosa Beck, as a citizen by inter-marriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 22, 1902.

Respectfully



Commissioner C. Charles
Acting Chairman.

GRS

10631

IN THE MATTER OF THE APPLICATION OF

Esther Gilbert

WARRANT AS

CHEROKEE CITIZENS.

- (1) Original testimony, Oct. 18, 1900,
- (1) Memo. of application, Oct. 18, 1900
- (1) Marriage Certificate,
- (1) Birth Certificate, Esther Gilbert,
- (1) Supplemental statement, 2/26/07

Spec. Herk. no. 2250

Cher D 632

Cher D 632

Doubtful

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. October, 19th 1900.

In the matter of the application of William Jones for the enrollment of himself, and wife as Cherokee Citizens. He being sworn before the Commission testified as follows:-

- Q What is your name? A. William Jones.
Q What is your post office? A. Talala.
Q How old are you? A. 40.
Q What district do you live in? A. Cooweescoowee.
Q Who is it you want enrolled? A. Myself and wife.
Q No children? A. No sir.
Q Are you a Cherokee by blood? A. No Shawnee.
Q What is your wife? A. Shawnee.
Q How long have you lived in the Cherokee Nation? A. Ever since I ~~came~~ left the Shawnee country.
Q Lived here 38 years then? A. Yes sir.
Q What was your father's name? A. Jackson Long.
Q Wasn't his name Jones? A. No sir.
Q How is it that your name is Jones then? A. They called me that, I also go by the name of Wolf.
Q Your father's name was then Jackson Long? A. Yes sir.
Q What other name have you besides Jones? A. They sometimes called me William Wolf, that is a nick-name.
Q Is your father dead? A. Yes sir.
Q How comes it that you did not take your father's name of Long? A. They didn't know my name and just called me Jones.
Q What is your mother's name? A. Julia Flint.
Q Is she alive? A. Yes sir.
Q What is your wife's name? A. Sarah.
Q How old is she? 40.
Q Did she come here with the Shawnees? A. Yes sir.
Q And has lived here 38 years? A. Yes sir.
Q Give me the name of her father? A. I don't know it.
Q Do you know the name of her mother? A. No I don't know that.
Q When did you and Sarah get married? A. In 1886.
Q What was her name when you married her? A. Spibuck.
Q Do you know what her name was before she married Spibuck? A. No sir.
Q She had married a man named Spibuck before you married her? A. Yes sir.
Q What was his first name? A. Pete.
Q Is he dead? A. Yes sir.
Q Was he a Shawnee? A. Yes sir.
Q Are you a full blood? A. Yes sir.
Q Is your wife a full blood? A. Yes sir.
1896 roll, page 346, No. 249, William Jones, Cooweescoowee, N. Shawnee
1896 " 346 " 250 Sarah Jones, "
CHEROKEE SHAWNEE PAY ROLL, 1896, page 24, No. 487, William Jones, age 38.
" " 1896 " 24 " 488 Ko-to-wakome Jones, 41 yrs
Q Is that the Shawnee name of your wife? A. Yes sir.
Q Who is there here that knew you and your wife from your childhood up, and knows that you came here with the Shawnees? A. Bill Tooley I think is here.
Q Where were you in 1880 when you were married? A. On Caney river working for a fellow named Jin Prophet.

WILLIAM TOOLEY called as a witness, sworn and testified as follows:

- Q What is your name? A. William Tooley.
Q How old are you? A. 50.
Q What is your post office? A. Winita.
Q Are you one of the witnesses here of the Cherokee Nation? A. I am one of the interpreters.
Q Do you know this man William Jones? A. Yes sir.
How long have you known him? A. About 25 years.
Has he lived in the Cherokee Nation ever since you knew him? A. He went to school at Wyandott Mission.
How long ago was that? A. Just about 25 years ago.

William Jones 2

Q Has he been in the Cherokee Nation ever since then? A. Yes sir.
Q Did you know his father and mother before him? A. Know his mother?
Q Was his mother among those who came here with the Shawnees? A.
She came here from Kansas.
Q When did she come? A. When we all came.
Q And has lived here all the time since then? A. Yes sir.
Q Did she come here under the Shawnee agreement? A. I don't know
whether she was registered under the Shawnee agreement or not.
Q Her present name is Julia Flint? A. Yes sir it was Julia Wood.
Q She registered here yesterday didn't she? A. Yes sir.
Q Under what name did she register? A. She has two names Flint and
Wood and I don't remember which one she registered under..

Examination by Cherokee Representative Baugh:

Q You say that he went to school at Wyandott Mission? A. Yes sir.
Q How long ago? A. 25 years.
Q How long did he go to school? A. I don't know.
Q Was he there at school in 1880? A. I don't know.
Q Do you know where he married at? A. I think he married up here
at Caney.
Q Never claimed anything in the Wyandott Nation did he? A. No sir.

By the Commission.

Q How long have you known his wife? A. I don't know.
Q Was she a squaw when he married her? A. Yes sir.
Q You don't know anything about her people? A. No sir.

Applicant re-called and examined by the Commission-

Q Have you ever lived with the Absentee Shawnees on lands in the
territory of Oklahoma? A. Never was out there, don't know any other
place than right here.
1880 roll, page 103, No 1113, Julia A. Flint, Cooweescoowee, Adpt. Del.
The applicant applies for the enrollment of himself and wife. He
claims that he came to the Cherokee Nation with the Shawnees 12
years ago, and that he has lived in the Cherokee Nation ever since
that time, but he cannot be identified on the roll of 1880. Neither
he nor his wife are on that roll, but are on the roll of 1896 and
on the Shawnee pay roll of 1896. His mother is identified on the
roll of 1880. According to the age of his mother as given by him,
she would have been 17 years old in 1880 and he states that he was
a child of a previous marriage to the one that was had in 1880.
For the purposes of considering this evidence and the evidence
given in the mother's application of day before yesterday, and for
the general further consideration of this case, this application
will now be placed on a doubtful card. The applicant states that
he is a full blood Shawnee. His wife is identified on the census roll
of 1896 as a Shawnee and on the Shawnee pay roll, but she cannot
be further traced in any manner. She is 40 years of age, and ap-
plicant states that she has lived in the Cherokee Nation for the past
32 years. For the further consideration of her application she also
will be placed on a doubtful card.

Chas. von Weise being sworn states that as stenographer to the Com-
mission to the Five Civilized tribes he reported in full all the
proceedings had in the above cause and that the foregoing is a
full, true and correct transcript of his stenographic notes
in said proceeding.

Subscribed and sworn to before me this the 12th of October, 1900.

Commissioner.

D 632--Supplemental.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Chalaca, I.T. November 20th, 1900.

SUPPLEMENTAL PROCEEDINGS IN THE MATTER OF THE APPLICATION OF
WILLIAM JONES FOR THE ENROLLMENT OF HIMSELF AND WIFE AS CHEROKEE
CITIZENS, D. Card 632.

The said William Jones, being sworn and examined by Commissioner
C. R. Predinridge, testified as follows:

Q Give me your full name. A William Jones.
Q Have you any middle name? A No, sir.
Q How old are you? A I don't know. About forty, I guess.
Q What is your post office? A Talala.
Q Do you live in Cooweescoowee district? A Yes, sir.
Q Who is it you want to enroll, yourself and family? A Yes,
sir.
Q Have you a family? A My wife and myself.
Q Just yourself and wife? A Yes, sir.
Q Are you a Delaware? A A Shawnee.
Q What is your wife, a Shawnee? A Yes, sir.
Q Did you come here with the Shawnees in 1871? A Yes, sir.
Q Have you lived here ever since you came with the Shawnees? A
Yes, sir.
Q Give me the name of your father. A I don't know. He
died a long time ago.
Q Do you know your mother's name? A Yes, sir.
Q What is it? A Julia Flint.
Q Is he dead? A No, sir.
Q Have you been enrolled? A I don't know.
Q What are you applying for now if you have already been enrolled?
THE INTERPRETER: (Mr. Caleb DeShane.) He said he wanted to
straighten out a name. He said he had given in as Jones only.
Q Give me the name of your wife. A Billie Jones.
Q About how old is your wife? A I don't know how old she is.
Q About how old is he? A Is she as old as you are? A
Yes, sir.
Q About forty then? A Yes, sir.
Q When did you marry her? A About fourteen years ago.
(Examination conducted through Mr. Caleb DeShane, Shawnee In-
terpreter, heretofore sworn as such)
Q What was her name when you married her? A Fox.
Q What was the name of her father? A He does not know.
Q What was the name of her mother? A He does not know.
Q Did she come here with the Shawnees in 1871? A Yes, sir.
Q What was her name twenty years ago on the roll of 1860? A
Fox.
Q What was her name before it was Fox, do you know? A No, sir.
Q You say now that you applied for enrollment once before? A
Yes, sir.
Q It appears that you applied at Nowata on October 18th, 1900.
Your case is D. 632. What do you want to say now in addition to
what you said before. You have just gone over the same ground. What
have you got to add to your case, anything? A Well, he said he ap-
plied for Jones, and did not know but what his grandfather might have
enrolled him, James Prophet.
Q Then, you think you might be on the 1860 roll as William
Prophet with James Prophet. Your father was dead, was he, in 1860?
A He don't know.
(From an examination of the roll of 1860, the name of William
Prophet cannot be found.)
THE COMMISSIONER: This testimony will be filed with your case,

the Card No. being 632.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings at the supplementary hearing of the abovementioned application at the time and place aforesaid, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

M. S. Miller
Subscribed and sworn to before me this 20th day of November 1900.

C. A. Henrich

Commissioner.

0632

COMMISSION TO THE
FILL
NOV 20 1950

[Handwritten signature]

[Faint handwritten text]

Supl.-C.D.#432.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March, 6, 1902a

SUPPLEMENTAL in the matter of the enrollment of WILLIAM JONES
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 15, 1902, that his application for the enrollment of himself and wife as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices at Muskogee, Indian Territory, on the 6th day of March, 1902, and that on said date he might appear either in person or by attorney before the Commission when an opportunity would be given him to introduce any further testimony affecting his case. The case has this day, to-wit: the 6th day of March, 1902, been called and the applicant failing to appear either in person or by attorney, it is directed that the same be closed and reported to the Commission for a final decision based upon the evidence now of record.

Mr. W. W. Hastings, Cherokee Representative, present.



Commissioner.

J.O.R.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., September 22, 1902.

In the matter of the application of William Jones for the enrollment of himself and wife Sarah Jones, as citizens of the Cherokee Nation of Shawnee blood.

Applicants appear in person and by their attorney, S. S. Clover, Vinita, I. T.; Cherokee Nation appears by W. W. Hastings.

Sarah Jones, being sworn and examined by the Commission, testified as follows through duly sworn interpreter, Thomas Daugherty:

Q What is her name, age and postoffice address? A Ko-to-wah-cumee. Her English name was Sallie.

Q What is her English name now, isn't her name Sarah Jones? A I know my name is Sallie.

Q Are you the wife of William Jones? A Yes.

Q How old are you? A I don't know my age exactly.

Q Where do you live? A Live near Caney River, Talala.

Q Are you a Shawnee? A Yes, I am a Shawnee.

Q A full-blood? A Yes, pretty near full-blood.

By S. S. Clover: Ask her what was the name of her father? A I don't know his name. I don't know him. He must have died when I was very young. His Shawnee name was Ma-a-who-con-sicam.

Q What was her mother's name? A I don't know her English name; her Shawnee name was Pishequapease.

Q Who did your mother marry before she came to the Indian Territory besides your father? A At the time we moved to the Cherokee Nation she wasn't married.

Q This is before she moved to the Cherokee Nation? A I don't remember, I was quite small before we came to the country.

Q Ask her what the name of her brother was, English name and Indian name both? A His English name was Charley Blackfeather.

Q How does she know the name of Charley's father? A No, she don't know the name and didn't know him.

Q Who did you first marry? A Harvey Bigfox.

Q Who did you next marry? A Peter Spybuck.

Q How long has it been since you married William Jones? A About sixteen years last fall.

Q How long has it been since you came to the Cherokee Nation? A I don't know because I didn't keep no dates, I couldn't say how long.

Q Who came with you to the Cherokee Nation? A I don't remember who. Who ever came along I suppose they are all dead any way.

Q Did your mother come with you to the Cherokee Nation? A Yes, they came to the Cherokee Nation on Caney River and I still live on the place or near the place where we first located.

Q Did your mother die in the Cherokee Nation? A Yes, she died in the Cherokee Nation.

Q Where is she buried? A There on the place where we first came to.

Q Did your brother come with you to the Cherokee Nation? A Yes.

Q Did he die in the Cherokee Nation? A Yes, he died in the Cherokee Nation.

Q Have you lived in the Cherokee Nation or not ever since you came here? A Yes, been living here ever since.

Q You never became a member of any other Indian tribe or nation, have you? A No, never have belonged to any other tribe; never went out of the territory, that is out of the Cherokee Nation.

By W. W. Hastings: Where were you born? A Back where the Shawnees came from.

Q When did you come to the Cherokee Nation? A I couldn't state exactly, but about the time the Shawnees came down here.

Q Where did you move to at that time? A There where I live now, in the Cherokee Nation.

2- William Jones et al.

Q Well, where is that? A She lives west of Talala, near the river.
Q How many miles? A About seven miles.
Q Have you lived there continuously all the time without interruption?
A Yes, been there all the time, never any trouble until this come.
Q Did you ever go back to Kansas? A No, never went back.
Q Did you ever marry in Kansas? A No, I was a girl when they left Kansas.
Q Did she ever go to Shawneetown down in Oklahoma? A No.
Q Did you ever go over in this Peoria country? A No.
Q Always lived in the Cherokee Nation? A That is the only place I have been, right there at the place where we first settled in the Cherokee Nation.
Q How much younger than you is your brother, Charley Blackfeather?
A I couldn't state how much older I am than Charley Blackfeather.
Q About how old, give her best judgment? A Well, I will make a guess that I am six years older.
Q Where was Charley Blackfeather born? A I guess he was born in Kansas on the Black Bob Reservation.
Q Who told her that? A My mother.
Q When did her mother die? A I couldn't state exactly what year.
Q Tell her to guess at it? A I can only state it this way, that about the time the grasshoppers came in and were thick that fall she died.
Q Has that been a short time or a long time? A It has been quite a while.
Q Has it been as much as twenty years ago, were you married? A No, she wasn't then either.
Q When did Charley Blackfeather's father die and where? A I don't know when he died, he must have died while I was young, I don't remember.
Q After they came to the Cherokee Nation? A No, he must have died before because I would remember if he ever came to the country.
Q She didn't remember of coming herself did she? A Yes, I remember.
Q Do you ever remember of seeing Charley's father? A No.
Commission: There is offered in evidence by the attorney for the applicant a true and correct copy of that part of the Shawnee-Cherokee schedule prepared from the Shawnee Register on Wallace Roll showing the name of William Jones and Ko-to-wah-gum-se Jones.
There is also offered in evidence by the attorney for the applicant a true and correct copy of the original census of the Shawnee-Cherokees, prepared by James G. Dixon, United States Special Indian Agent, showing the names of William Jones and Ko-to-wah-gum-se Jones.

John Blackfeather, being sworn and examined by the Commission, testified as follows through interpreter Daugherty:

Q Ask him his name, age and postoffice address? A Johnson Blackfeather. His age is about 64, and his postoffice Vinita.

By S. S. Glover: Are you acquainted with Ko-to-wah-gum-se Jones?

A Yes, I am acquainted with her.

Q For how long? A About when she was born.

Q Where was she born? A In the State of Kansas.

Q What tribe does she belong to? A Shawnee.

Q Do you know what her mother's name was? A I know her Shawnee name.

Q State the Shawnee name? A Pishquapease.

Q What was the name of her father? A Mah-yah-wah-gum-se-kah, George Williams.

Q To what tribe did her father and mother belong? A To the Shawnees.

Q Where did her father die? A He died in Kansas.

3-William Jones et al.

Q Where did her mother die? A In the Cherokee Nation.
Q Did her mother come to the Cherokee Nation with the other Shawnee Indians or not? A Yes.
Q About what time did she come? A About 1870.
Q About what time did she die? A I don't exactly know when she died.
Q About how many years ago? A About 17 years, some where in there, don't know exactly.
Q What children came with her at the time she came to the Cherokee Nation? A Ko-to-wah-cumse and Charley Blackfeather.
Q To whom was Pishequapease married after the death of her first husband, Mah-yah-wah-cum-se-kahdias George Williams? A To my brother.

Q What was the name of your brother? A John Blackfeather.
Q Did they have any children by that marriage, and if so, what are the names? A One that I know of, that is Charley.
Q Where did your brother John die? A Died in Kansas.
Q About what year? A '83.
Q When did your nephew die, Charley Blackfeather? A I couldn't exactly state, but it has been over ten years ago.
Q From the time that Pishequapease came to the Cherokee Nation did she move away or join any other tribe? A Not that I know of.
Q Did Charles Blackfeather always reside in the Cherokee Nation until the time of his death? A Yes, he died in the Cherokee Nation, and never left the Cherokee Nation.

Commission: How many members made up the family of Widow Blackfeather when she came to the Cherokee Nation with the Shawnees? A Three that I remember of, herself and two children.

Q Did Widow Blackfeather have any other children, did she have any stepchildren? A No.

There appears opposite Nos. 144, 145 and 146 of the register of the names of the members of the Shawnee tribe of Indians who removed to and located in the Cherokee Nation prior to June 10, 1871, and within two years from the 9th day of June, 1869, in accordance with the agreement entered into between the Shawnees and the Cherokees on the 9th day of June, 1869, the names of Widow Blackfeather, Blackfeather and Blackfeather, respectively.

By S. S. Glover: Have you ever known of Ko-to-wah-cumse ever leaving the nation or joining any other tribe or government? A No.

Q Do you know how long she has been married to William Jones? A Somewhere along about the time these people came down to the nation to pay these Black Bob Shawnees money.

Q What people do you mean? A Carney and Hutellings.

Q About what year would that be? A About '84 or '85.

W. W. Hastings: Where does this woman live now, this applicant? Caney.

Q Have you ever been to her place? A I have been along there about twice.

Q When were you there last? A About nine years ago.

Q Where did she first locate in the Cherokee Nation? A Right at the same place.

Q Have you ever heard of her being out of the Cherokee Nation anywhere? A No, ever since the Shawnees came she never has been anywhere.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant cannot be found under any of the names mentioned herein.

By S. S. Glover: How long have you known William Jones? A Ever since the time he was born.

Q Where was he born? A On the Black Bob reservation in Kansas.

Q What is the name of his mother, both English and Indian? A Hoqua was her Shawnee name. Her English name I believe is Jane.

Q What was the name of his father? A I don't know his English name; his Shawnee name is Thah-ke-la-la-quo.

Q Is this the only child? A The only one I know of.

Q Do you know when he came to the Cherokee Nation? A Along about '70 I think, about the spring of '70.

4-William Jones et al.

Q Did you see him at the time he came or near that time? A I saw him once on Verdigris River.

Q On what place? A Old man Rogers' place, Billy Rogers.

Q Near what part of Verdigris did he live? A Just above that Bullet Ford on Verdigris, on the east side.

Q Who was he with at the time you saw him? A He was with his aunt, Lah-lequah.

Q Did his aunt have any children at that time? A Yes, two.

Q What is the names of those children? A One was named Na-wa-ta-na-so.

Q And what was the other one's name? A La-fa-na-so. She had some children born since.

Q But at the time he saw them? A That was all.

Q Where was Na-wa-ta-na-so living at the time you saw William Jones? A She was at Neosho river, at one of her aunts, this side of Neosho River. Her aunt was Cha-ke-quah.

Q Where was the other child living? A Over about near Seneca, near Quapaw Agency.

Q Was any man living with Lah-lequah at that time? A With William Wolfe, or Da-pe-a-se-ka.

Q Now his mother did she have any other children, Billy Jones' mother, at the time she moved to the Cherokee Nation besides William Jones? A Yes.

Q What was the name of that child? A Waw-pa-we, the wife of William G. Williams now. I didn't know the English name of the woman.

Commissioner: There appears on No. 765, 766 and 767 on the register of Shawnees who moved to and located in the Cherokee Nation in accordance with the treaty between the Shawnees and Cherokees under date of June 9, 1868, the name of Billy Wolfe, Wolfe and Wolfe, respectively.

S. S. Clover: How old was William Jones when he came to the Cherokee Nation? A I couldn't state how old he was.

Q Do you know of William Jones ever leaving the Cherokee Nation and joining any other tribe or government? A No, he never joined any other tribe.

V. V. Hastings: Well, did he ever leave here? A No, he never left the Cherokee Nation and never belonged to any other government.

Q Where did William Jones first locate when he came to the Cherokee Nation with the Shawnees in 1870? A On Verdigris River.

Q Were you out there at his place about that time? A No, I saw him at White Oak and they lived over there on Verdigris.

Q When did you ever see him on Verdigris? A I couldn't exactly state but along about '70 something, may be two or three.

Q Have you seen him frequently since that time? A I see him very often at White Oak where they have these dances.

Q Do you know whether this applicant ever went back to Kansas or not? A Not that I know of.

Q Did he ever go over in the Wyandotte or Peoria Country? A He said he never saw him over there, but he heard he went over there and went to school over there.

Q How long did he go to school there? A From hearsay, about one or two years.

Q Where does he live now? A Up on Caney River.

S. S. Clover:

Nan-a-haw-qu-a-se, being duly sworn, and examined, testified as follows through interpreter Daugherty:

S. S. Clover: State your name, age and place of residence? A Nan-a-haw-qu-a-se, her Shawnee name; she is about seventy some odd, she don't exactly know. White Oak.

Q What is her English name? A Mary.

Q Who are you married to at the present time? A Sam Bread.

Q To what tribe or nation does Sam Bread belong to? A He is a Cherokee.

Cherokee.

Q To whom were you married in 1869 and '70? A I don't know anything about these dates.

Q When she come to the country? A William Rogers.

Q To what tribe did William Rogers belong? A Shawnees, and he died here in the Cherokee Nation.

Q How long have you known William Jones? A Ever since he was about that high (indicating).

Q When did you first see William Jones in the Cherokee Nation, when and where? A Right at my house. William Rogers when he went back to Kansas brought Billy Jones and his aunt with him.

Q And who else came with William Jones and his aunt? A T is La-pa-ne-se. Her English name is Jane Jackson.

Q What is the name of William Jones' aunt? A La-le-quah, in English Laura.

Q What other name in English was Laura or Lalequah known, the last name? A Laura Jacko and another name Laura Davis.

Q How long did William Jones live with his aunt near you after he came to the territory? A They lived with her about two years.

Q Where did William Jones then go? A Bill Jones' mother came over there and when she went back she took Jones and took him to the Wyandotte school.

Q Where next did you see William Jones when he came back from school? A Came to their house; they lived on Lightning Creek then, that is she did. Bill Jones had been to - can't think of the name - I know the man, anyhow his name was Profit.

Q Did he have another English name besides Profit? A Not that she knows of.

Q How long did you know of him living with Profit? A When he came by there and stopped he was going back to Wyandotte and went to school there a little while and then came back.

Q Then where did he go? A Went back to Profit.

Q Now how long did he stay there that time? A I couldn't state, it was quite a distance where they lived, I don't know how long he stayed.

Q What tribe did this Profit belong to? A He must have belonged to the Cherokee-Shawnees; he married a Delaware woman.

Q How often have you seen William Jones since he quit Profits? A Well not very often; once in a while he would come to my house; they lived on Caney quite a distance from where I live.

Q Have you ever known him to live outside of the Cherokee Nation since he came with your husband, William Rogers, except when he was at school? A No, he never went any where outside of this place and where he went to school.

By W. W. Hastings: How long had you been here before your husband went back after William Jones and his aunt? A Now she says they came here in the fall and in the spring they put in a crop of corn and the corn was that high (indicating) when he went back to Kansas.

Q You measure about 2 1/2 feet high? A Yes.

Q And he went back some time about the first of June according to her measurement and estimate? A Yes, about June.

Johnson Bla Blackfeather recalled and examined by S. S. Glover:

Q Blackfeather, did you ever know of Laura Davis being married to Alexander Drum about the time that the register roll was made in 1871? A I don't remember of it.

Q Was Alex Drum married about the time the register roll was made? A I don't know.

Q Did Laura Davis have any other children besides these you have already mentioned? A Yes, one more.

Q What was the name of that one? A Johnnie Blackfoot.

Q Where was he born? A In the Cherokee Nation.

Q How long ago? A I don't know, but after the Shawnees came to the Cherokee Nation. His father was a Cherokee.

Q Was it after the Shawnees made the register roll of June 10, 1871?

A Yes, after that.

C-William Jones et al.

Commission: The name of Laura Drum appears opposite 236 on the register of Shawnees who came to the Cherokee Nation in accordance with the agreement between the Shawnees and Cherokees on the date of June 9, 1868; and, also it appears on said register opposite No. 237 and 238 respectively, the names of David and David, and a note opposite her name shows that they are Mrs. Drum's children.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. G. Rothberger

Subscribed and sworn to before me this 24th day of September, 1902.

W. C. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 26 1902

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Assistant Commissioner

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William Jones for the enrollment of himself and his wife, Sarah Jones, as citizens of the Cherokee Nation of Shawnee blood.

DECISION

The record in this case shows that on October 18, 1900, William Jones appeared before the Commission at Nowata, Indian Territory and made personal application for the enrollment of himself and his wife, Sarah Jones, as citizens of the Cherokee Nation of Shawnee blood. Further proceedings in the matter of said application were had at Chelsea, Indian Territory, on November 20, 1900, and at Muskogee, Indian Territory, on September 22, 1902.

The evidence shows that the applicants are Shawnees by blood; that they are identified on the 1896 Cherokee Census roll and the 1896 Cherokee-Shawnee pay roll; that they came to the Cherokee Nation in 1871 under the provisions of an agreement entered into by and between the Shawnee tribe of Indians and the Cherokee Nation of Indians on the 7th day of June 1869, at Washington, and approved by the President on the 9th day of June of said year.

The correct name of the applicant, William Jones, is long, but he apparently at one time went under the name of Wolf and later under the name of Jones, by which he is now designated. The name "Billy Wolf" appears on the 1871 Register of Shawnees in possession of the Commission and probably refers to said applicant. His mother is identified, under the name of Julia Flint, on the 1880 authenticated tribal roll of the Cherokee Nation, and was enrolled as a citizen of the Cherokee Nation of Shawnee blood, by the Commission in October, 1900, in case No. 4409)-A.

The applicant, Sarah Jones, was formerly married to a man named Spibuck, prior to which marriage her name was Fox. The name Fox, without the christian name being given, appears at Nos. 354, 355 and 365 upon said 1871 Register of Shawnees, and the said Sarah Fox may, therefore, be the person referred to by one of said numbers.

The evidence further shows that the applicants are residents of the Cherokee Nation and have resided therein continuously since 1871.

It is, therefore, the opinion of this Commission that William Jones and Sarah Jones should be enrolled as citizens of the Cherokee Nation of Shawnee blood, in accordance with the provisions of Section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

DATE DEC 5 1902

Department of the Interior,
INDIAN SCHOOL SERVICE,

Seneca Indian Training School,

Wyandotte, Quapaw Agency, Ind. Ter.

Feby. 19, 1902.

J. C. Starr,

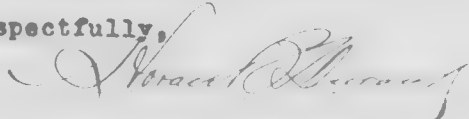
Muscogee, Indian Territory.

Sir:

In reply to yours of 17th inst. c-632-making enquiries of certain parties who at one time claim to have attended the school at this place. At that time I am informed a number of what were known as Cherokee Shawnee children, who did not belong to the band of Eastern Shawnees of this Agency, were allowed to attend the school here.

I find neither the name of William Wolfe, Jones, Julia Flint, nor Wolfe, nor Wood, nor Sarah Fox, on any of the allotment rolls of this Agency. Moreover on looking over the Eastern Shawnee annuity rolls of 1876, I find none of the names that you mention.

Very respectfully,



Supt. & Acting U. S.

Indian Agent.

ATTORNEYS
I. H. HILL,
W. W. HANFORD,
JAMES H. DAVENPORT

OFFICE OF _____
ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAVENPORT COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

J. C. MEANE, SEC.

Please enclose this letter with your reply or mention this Number: 632

Muskogee, I. T., Feb. 17, 1902.

United States Indian Agent,
Wyandotte, I. T.

Dear Sir:

A man by the name of William Jones, whose age is forty, and whose post-office address is Talala, I. T., has applied to the United States Commission for the enrollment of himself, and his wife as citizens of the Cherokee Nation by Shawnee blood; William Jones states that he is sometimes known as William Wolfe; that his father's name was Jackson Long; and his mother's name is Julia Flint, and that he has a wife by the name of Sarah Jones, whose maiden name he does not know, but that she had married a man by the name of Peter Spybuck before she had married him.

This man William Jones is said to have attended the Wyandotte Mission school during his life-time, and that his mother came from Kansas with the Shawnees. Julia Flint's former name was Julia Wood, and it seems that she sometimes goes by the name of Flint, and sometimes by the name of ~~Hand~~ Wolfe, and that she had attended the Wyandotte Mission school about 25 years ago.

Please examine your records and advise us if you find any of these people on your annuity rolls, or that any of them have taken allotments in any of the Nations under your Agency. We have been informed that this man's wife's maiden name was Fox. If you find either William Jones or his wife Sarah, or Silie, or his mother on any of your rolls, kindly furnish us a certificate to that effect, and greatly oblige.

Yours very truly,

COMMISSIONERS

HENRY L. DAWES

TAMM BIRBY

THOMAS R. NEASE

C. R. BURKETT

COMMISSION OF THE UNITED STATES

COMMISSION TO THE FIVE CIVILIZED TRIBES

REPLY IN REPLY TO THE FOLLOWING

Cherokee D 632.

ATTENTION: ADDRESS ONLY

Muskogee, Indian Territory, September 10, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that S. S. Clover, Attorney for William Jones, an applicant before the Commission for enrollment as a citizen of the Cherokee Nation, will, on Monday, September 22, 1902, introduce further testimony as regards the application of said William Jones.

Yours truly,

Tamm Birby
Acting Chairman

COMMISSIONERS
HENRY L. DAWES
JAMES HENRY
THOMAS H. NEEDLES
J. R. DUNN KERRIDGE

ALLEN N. L. ALLEN, JR.
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 682.

Muskogee, Indian Territory, December 6, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 5, 1902, granting the application of William Jones for the enrollment of himself and his wife, Sarah Jones, as citizens of the Cherokee Nation of Shawnee blood.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enclosure H. No. 136.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-632

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

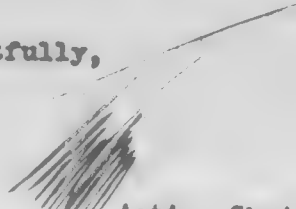
Muskogee, Indian Territory, January 29, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision,
dated October 30, 1902, rejecting the application of Susan Jane
Mullins for the enrollment of herself as a citizen by intermarriage
of the Cherokee Nation, was affirmed by the Secretary of the
Interior January 15, 1903.

Respectfully,



Acting Chairman.

D638

John W. Jones

7.

Cher D 633

Cher D 633

applicant's wife REJECTED.

XXXX

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., OCTOBER 18th, 1900.

In the matter of the application of Frank P. Martin for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Martin being sworn and examined by Commissioner T. H. Needles, testified as follows:

- Q What is your name? A Frank P. Martin.
Q What is your age? A 34.
Q What is your post office address? A Nowata, Indian Territory.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q In what district do you reside? A Claim Cccccccccccccccccc.
Q Where do you live? A I have a residence out here, farm and so on in this district, about six or seven miles from town.
Q Is your name upon the roll of 1890? A No, sir.
Q For whom do you apply for enrollment? A Me and my children.
Q What is the name of your children? A Avis R.
Q How old is he? A Born October 24, 1888.
Q What is the name of the next one? A Robert Lee.
Q How old is he? A Ten years old; Clara.
Q How old is Clara? A Born September 19, 1891; George W.
Q How old is he? A Born January 29, 1893, that would be seven.
Q What is the name of the next one? A Mary M.
Q How old is she? A She is five years.
Q What is the name of the mother of these children? A Lula Martin.
Q Is she a citizen of the Cherokee Nation? A Adopted citizen.
Q You apply for her? A Yes, sir.
Q Have you proof of marriage to her? A Yes, sir.

Com'r Needles:--Applicant presents marriage and certificate of marriage certifying that he was married to one Miss Lula McTyre, on the 29th day of December, 1887. Said marriage being solemnized in the State of Texas, County of Cass.

- Q Have you a certificate of Admission? A Yes, sir.

Com'r Needles:--Applicant presents a certified copy of an Act of the Cherokee Council re-admitting Patay M. Martin and others to Cherokee citizenship. Said Act having been passed by the Senate of the Cherokee Nation, November 26, 1890. Signed by E. H. Bell, President of the Senate, A. H. Norwood, Clerk of the Committee; concurred on December 1st, 1890, signed by William B. Parker, speaker of the Council, approved William P. Thayer, Clerk of the Council. Approved December 4, 1890 by J. M. Hayes, Principal Chief. Certified to as to the correctness of it being a copy of the original Act, by J. T. Parks, Executive Secretary of the Cherokee Nation under the seal of the Cherokee Nation.

- Q In said Act I find the name as having been admitted among others, of one Frank P. Martin, are you the identical Frank P. Martin mentioned in this Act? A Yes, sir.

Q I also find the names of Avis R., Robert L. Martin, as Grandchildren of Patay Martin; is the Avis R. and Robert L., mentioned in this Act, the identical Avis R. and Robert L. for whom you apply for citizenship as your children? A Yes, sir.

- Q Does the name of your wife, Lula, appear in this act? A No, sir, I think not.

- Q You were married to her in the year 1887? A Yes, sir.

- Q You were admitted in 1890? A Yes, sir.

- Q Where did you reside in the year 1890? A Texas.

Q When did you remove from the State of Texas to the Cherokee Nation? A Actually myself I did not, but I located out here permanently might say in 1894. I have a home about eight or ten miles west of here. I had some property though before that time.

- Q When did you remove your family and household effects here? A I never moved all my household effects here or family here.

- Q Were these children all born in Texas? A Yes, sir.

POOR ORIGINAL -
BEST AVAILABLE COPY

Frank B. Martin--2.

They are living in Texas? A Yes, sir.

Q Where is your wife living? A In Texas.

Q You are living there? A No, sir, I have property here; the people down there recognize me as a citizen of the Cherokee Nation; and I do not exercise the right to vote there.

Q How long since you voted there? A I never have voted there since I was admitted to citizenship here.

Q You never held any office? A No, sir, I could not take the oath.

Q Never was a candidate? A No, sir.

Q You say you never moved here with your family until 1894? A (No response.)

Q You have never been an actual resident of the Cherokee Nation at all Mr. Martin with your family and effects? A No, sir, I had two homes down there you might say and one here. I have been here every year.

Interrogatories by John C. Starr, Cherokee Representative:

Q Where is your wife and children lived since they were admitted? They have been with me all the time.

Q You actually live in Texas and your home up here is temporary is not it? A No, sir, I consider my home temporary in Texas and permanently up here.

By Commissioner T. A. Needles:

Q At the same time you have household goods and a home in Texas?

A Yes, sir, I had it there too.

Applicant: My name is not on the roll of 1896. I was not here.

By John C. Starr, Cherokee Representative:

Q Where did you live on the 24th day of June, 1896? A I considered this my home ever since 1894. I have been at different places since then.

1894 enrollment; page 248, #2857, Frank B. Martin, Cooweescoowee

1894 enrollment; page 248, #2858, Avis B. Martin, "

1894 enrollment; page 248, #2859, Robt. L. Martin, "

1894 enrollment; page 248, #2860, Clara Martin, "

1894 enrollment; page 248, #2861, George M. Martin, "

By Commissioner Needles:

Q Have you a certificate of the birth of the youngest child? A No, sir.

Q Were you, Mr. Martin, and your family and your wife benified, actual residents of the Cherokee Nation on the 24th day of June, 1896?

A I consider so under my construction. I consider this my permanent home since 1894.

Q Where was your family in 1896? A They were in Texas.

Q Were you there? A I was possibly all the year.

Q Keeping house there? A Yes, sir.

Q Your wife, Lula, is a white woman? A Yes, sir.

Com'r Needles:--The name of Frank B. Martin appears upon the Pay roll of 1894. His name nor the name of any of his family appears upon the authenticated roll of 1890 nor the census roll of 1896. The names of his children, Avis B., Robt L., Clara, George M., appear upon the pay roll of 1894. He avers that he has a young child named Mary B., whose name does not appear upon the pay roll of 1894, and he presents proof of birth.

POOR ORIGINAL -
BEST AVAILABLE COPY

Frank B. Martin---3.

He presents a certificate of Admittance as a citizen of the Cherokee Nation more particularly described in the testimony, certifying that he, the said Frank B. Martin, and his two children, Avis E. and Robert L., were admitted to citizenship in the year 1890. He avers that his other children named herein were born after his admission to citizenship. He also presents satisfactory proof of marriage to one Lula Martin, his wife. Said marriage having been solemnized in the year 1897 in the State of Texas. By reason of the provisions of an Act of the Cherokee Council approved December 4, 1894, in regard to persons who have been or hereinafter may be admitted as citizens of the Cherokee Nation, which provides that such persons will be required to permanently remove to and locate in the Cherokee Nation within six months after the passage of the Act; and because of the provisions of the Act as regards citizenship and the law of the United States, known as the Curtis Bill, Section 21, provided "that no persons shall be enrolled who has not heretofore removed to and settled in the Nation in which he claims citizenship." Said act being approved on the 28th of June, 1896.

Because of conflicting testimony as to the question of the residence of the said Frank B. Martin, final judgment as to the enrollment of the said Frank B. Martin and his children will be suspended and they will be placed upon a doubtful board.

The name of his wife, Lula Martin, does not appear in the certified copy of the act of re-admittance presented. Neither does her name appear upon any of the rolls of the Cherokee Nation; consequently the application of said Frank B. Martin for the enrollment of his wife, Lula, will be refused and her application for enrollment as a citizen of the Cherokee Nation by intermarriage will be rejected.

Applicant desires to make the following statement: That while this Commission was sitting in Fort Gibson, 1897, acting under the Curtis law, receiving applications for all persons entitled to enrollment as citizens of the Cherokee Nation, that I complied with said Act of Congress, filed an application and filed a copy of the same with the Chief of the Cherokee Nation as required by said Act, and that the said Cherokee Nation never filed any protest or any denials under the law as to the time specified by said Act. Q Did you ever apply to the Commission to the Five Civilized Tribes, known as the Dawes Commission? A No, sir.

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J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Reason

Subscribed and sworn to before me this 18th day of October, 1900.

[Signature]

Commissioner.

15683

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 18 1900

ACTING CHAIRMAN

An act to readmit Patsey M. Martin and others to Cherokee Citizenship.

Be it enacted by the National Council: That Patsey M. Martin, her children and grand children be and they are hereby readmitted to all the rights and privileges of Cherokee citizenship by virtue of Cherokee blood, Vis:

William P. Martin	age	35	years
James A. "	"	34	"
Joseph K. "	"	31	"
John M. "	"	27	"
George A. "	"	25	"
Frank B. "	"	24	"
Isabella C. Martin	age	20	Years 14
Thomas, M. "	"	14	"
Grand Children			
Annie L. Martin	"	14	"
Thomas A. "	"	12	"
Ola "	"	8	"
Lela E. "	"	6	"
William H. "	"	4	"
Josephene J. "	"	2	"
Pearl "	"	10	"
Mary Browning	"	6	"
Alvis R. "	"	2	"
Robert L. "	"	6 mo's	"

Be it further enacted: That John Brassfield be and he is hereby readmitted to all the rights and privileges of Cherokee citizenship by virtue of Cherokee blood:

and Be it further (enacted) That John R. H. Daugherty be and he is hereby readmitted to all the rights and privileges of Cherokee citizenship by virtue of Cherokee blood:

Provided that none of the rights herein granted shall accrue to any of the persons herein named until they remove and permanently locate in the Cherokee Nation. Passed the Senate Nov. 26th 1890

A. H. Norwood,
Clerk of Senate

L. B. Bell,
President of Senate.

Concurred in by Council Dec 1st 1890.

W. P. Thompson,
Clerk Council

Wm. H. Barker,
Speaker Council.

Approved Dec. 4th 1890.

J. B. Mayes,
Prin. Chief.

Executive Office Cherokee Nation,
Tahlequah I. T.

I, B. W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy ~~from the record~~ from the record of laws made and kept in this Office and in my legal custody.

Given under my hand and the seal of the Cherokee Nation this the 24th day of February 1902.

B. W. Alberty
Assistant Executive secretary
Cherokee Nation.

Supl.-C.D.#633.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 6, 1902.

SUPPLEMENTAL In the matter of the enrollment of FRANK B.
MARTIN, ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 15, 1902, th at his application for the enrollment and of himself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902, and that on said date he might appear before the Commission either in person or by attorney, and an opportunity would be given him to introduce any additional testimony affecting his application. Receipt has been acknowledged of Commission's letter. The applicant having this day been called and failing to respond either in person or by attorney, it is directed that the case be closed, and that the same be reported to the Commission for a final decision based upon the evidence now of record.



Commissioner.

J.O.R.

100

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Frank B. Martin for the enrollment of himself and his minor children Avis R., Robert L., Clara, George M., and Mary B. Martin as citizens by blood of the Cherokee Nation, and for the enrollment of his wife Lula Martin as a citizen by intermarriage of the Cherokee Nation; consolidating:

Frank B. Martin, et. al.....Cherokee D 623
Lula Martin, " R 290

D E C I S I O N.

The record in this case shows that on October 18, 1900, Frank B. Martin appeared before the Commission at Nowata, Indian Territory, and then and there made application for the enrollment of himself and his minor children Avis R., Robert L., Clara, George M. and Mary B. Martin as citizens by blood of the Cherokee Nation and for the enrollment of his wife Lula, as a citizen by intermarriage of the Cherokee Nation. On March 6, 1902, documentary evidence was filed relative to this application.

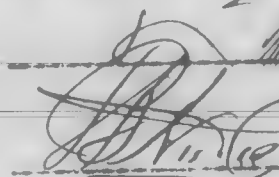
The evidence shows that Frank B. Martin was lawfully married to one Lula McTyre on December 29, 1887. It appears from the records of this Commission that said Frank B. Martin and two of his children, namely; Avis R. and Robert L. were admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 9, 1890. Applicant states that he has a home in the Cherokee Nation, and also one in the State of Texas, and that he has never moved his effects or his family to the Cherokee Nation, and that his wife and children have never resided in the Cherokee Nation. The applicant and his four older children are identified on the Strip payment roll of 1894. Mary B. Martin, his youngest child is identified by a birth affidavit on file with this Commission.

The authority of the Commission herein is defined in Paragraph 2, Sec. 21, of the Act of Congress, June 28, 1906 (34 Stats., 498), which provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

It is therefore the opinion of the Commission that Frank B. Martin, Avis R. Martin, Robert L. Martin, Clara Martin, George M. Martin and Mary B. Martin are not lawfully entitled to be enrolled as members by blood, and Lula Martin is not lawfully entitled to be enrolled as a member by intermarriage, of the Cherokee tribe of Indians in Indian Territory and that the application for their enrollment as such should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this SEP 20 1902

ATTORNEYS:

L. B. BELL,

W. W. HASTINGS,

JAMES S. DAVENPORT,

J. C. STARR, REC.

OFFICE OF _____

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAVEN COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please state in this letter with your reply to mention this Number **D 633**

Muskogee, I. T., Feb. 17, 1902.

Mr. B. W. Albety,

Tahlequah, I. T.

Dear Sir:

Please furnish us for the use of the Cherokee Nation a certified copy of the act of the National Council readmitting Patsy M. Martin et al, to citizenship, approved by the Principal Chief December 4th, 1890.

Yours very truly,

ATTORNEYS:

L. B. BELL,

W. W. HASTINGS,

JAMES S. DAVENPORT,

J. C. STARR, SEC.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply to the Cherokee Nation.

Muskogee, I. T., Feb. 17, 1902.

Mr. J. H. Goody,

Nowata, I. T.

Dear Sir:

There is a man by the name of Frank B. Martin who applied for enrollment for himself, wife and child, and was admitted in 1890. He claims to have two homes, one near Nowata and the other in the state of Texas.

Please make inquiry and see about the residence of this man at his home at Nowata, if he actually lives there and has his wife there with him, and give us the names of about two good witnesses on this point, and state what they will swear as to this man's ~~residence~~ residence in the Cherokee Nation.

We think that his home is actually in Texas, and that he goes to his farm there, which is 6 or 7 miles from Nowata to see about it occasionally and claims that to be a residence there.

Yours very truly,

977

COMMISSIONERS
HENRY L. DAWES
TAMM HINDS
THOMAS H. NICHOLS
R. H. HARRINGTON

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 633,
R 290.

ALFRED L. ABERNETHY
SECRETARY

Muskogee, Indian Territory, September 22, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.


Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of Frank B. Martin for the enrollment of himself and his five minor children, Avis R., Robert L., Clara, George M. and Mary B. Martin, as citizens by blood, and for the enrollment of his wife, Lula Martin, as a citizen by intermarriage, of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Acting Chairman.

Enc. C. No. 65.

200

RECEIVED
FEB 11 1903
U. S. DEPT. OF THE INTERIOR

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

HEREIN REPLY TO THE FOLLOWING

Cherokee B 635.

Muskogee, Indian Territory, November 11, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting the application of Frank B. Martin for the enrollment of himself and his five minor children, Avis R., Robert L., Clara, George M. and Mary B. Martin, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 22, 1902.

Respectfully,

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee # 633

Vinita, Indian Territory, January 10, 1903,

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 20, 1902, rejecting the application of Joe H. Bowers for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation was affirmed by the Secretary of the Interior on December 22, 1902.

Respectfully,



Acting Chairman.

GRS

We need some
witnesses on the
question of Residence

IN THE MATTER OF THE APPLICATION OF

Frank B. Martin et al.

ENROLLMENT AS

CHEROKEE CITIZENS.

(Original testimony, Oct. 18, 1900

(The mo. of application, Oct. 18, 1900

(Certified copy of marriage license and certificate.

(Birth certificate, Mary B. Martin.

(Notice of final determination, 11/1/00.

(Certified copy of act of admission.

L

—

Order denying admission.

See Separate packet Re...

Cher D 634

Cher D 634

Department of the Interior.
Commission to the Five Civilized Tribes.
Wavata, I. T., October 15, 1900.

In the matter of the application of William V. Findley for the enrollment of himself, wife and children as Cherokee citizens; he being sworn and examined by Commissioner G. B. Breckinridge, testified as follows:

- Q Give me your full name? A William V. Findley.
Q How old are you? A 54.
Q What is your postoffice? A Wavata, I. T.
Q Do you live in Cooweescoowee district? A Yes sir.
Q Who do you want to have enrolled; yourself and family? A Yes sir.
Q Have you a wife? A Yes sir.
Q How many children have you? A Two.
Q Are you a Cherokee by blood? A No sir.
Q Is your wife a Cherokee by blood? A Yes sir.
The applicant presents a license issued by the Clerk of Cooweescoowee district, Sept. 8th, 1896, authorizing marriage between himself and Mrs. R. B. Brewer. It is accompanied by a certificate stating that they were married on the 7th day of the same month and within the same year, but the certificate is not signed by any person. The license has been admitted to record as shown by the endorsement on the back and these papers are filed herewith.
Q Who married you? A Adams.
Q Parson Adams? A Yes sir.
Q What is his full name? A Don't know.
Q Have you lived with your wife ever since you married her in 1896? A Yes sir.
Q Was your wife born in the Cherokee Nation? A Yes sir.
Q Has she lived here all her life? A I think she lived in the Creek Nation a while, the time of the war.
Q She lived here ever since that? A Yes sir.
Q Give me your wife's full name? A Ruth E. Findley.
Q How old is she? A 50.
Q She was a Brewer when you married her? A Yes sir.
Q What was her name before it was Brewer? A West.
Q Was that her maiden name? A West was her maiden name, yes sir.
Q When did she marry Brewer? A I can't tell you.
Q Give me the name of her father? A John West.
Q Is he dead? A Yes sir.
Q Give me the name of her mother? A Ruth West.
Q She dead? A Yes sir.
Q Was her husband Brewer dead when you married her? A Yes sir.
Q She had never been married except to Brewer? A No sir.
Q Have you been married before? A Yes sir.
Q How many times? A Once.
Q Was your former wife dead when you married this woman? A Yes sir.
Q Give me the names of your two children? A William Brewer.
Q How old? A 9 years.
Q Stepchildren are they? A Yes sir.
Q Next child? A Emma Brewer.
Q How old is she? A 7.
Q You have no children of the present marriage? A No sir.
Q These children both living? A Yes sir.
1880 roll; page 3, #59, R. B. Brewer, Canadian Dist.
1896 roll; page 159, #1785, Ruth Findley, Cooweescoowee.
1896 roll; page 305, #383, William Findley, Cooweescoowee.
Q Do you know who the father of these children are? A No sir.
Q Do you know what names they were enrolled under in 1896? A That's what I for ot.
Q What means have you of knowing that these are actually the children of your wife? A She says so and claims them and kept them as her children all the time. She had them when we were married.
Q Is there anybody here who knows that these children lived with her as infants and lived with her ever since? A I guess Mr.

2- W. W. P.

Wilder knows.

Witness, W. L. Wilder, sworn and examined by Commissioner Q. H. Brockinridge, testified as follows:

Q Give me your full name? A W. L. Wilder.

Q How old are you? A 61.

Q What is your postoffice? A Chetani, I. T.

Q Are you one of the witnesses here of the Cherokee Nation? A Yes sir.

Q Do you know this applicant here Mr. Findley? A I got acquainted with him day before yesterday.

Q Do you know his wife Ruth? A Yes, have known her for thirty years.

Q Did she used to be a Brewer? A Yes sir.

Q Do you know about her having two children? A No sir, don't know anything about it.

J. Baugh, Representative of the Cherokee Nation.

Q Mr. Wilder, is it a fact that Mrs. Findley that used to be Ruth Brewer and went used to visit your place and stay there a good deal? A Yes sir.

Q Did you ever hear her say she ever had any children? A No sir.

Commissioner-

Q Were you ever at her house? A No, very often she was at my house.

Q Did you ever hear of her having any children? A No sir.

J. Baugh-

Q Is she a relative of your wife? A Yes sir, Cousin.

Commissioner -

Q A Cousin of your wife? A Yes sir.

By the Commissioner-

The applicant applied for the enrollment of himself, wife and two children. He is shown to have married his wife according to the license filed herewith and according to the certificate which is made out but unsigned in 1893, too late under the Cherokee law of 1885 for him to be entitled to enrollment, and the application for his own enrollment is rejected. His wife is identified on the rolls of 1880 and 1885 as a native Cherokee. She has lived in the Cherokee Nation all her life except a brief absence during the civil war, and she will be listed now for enrollment as a Cherokee by blood. As for the application for the two children, William and Bess Brewer, the applicant does not know by what names they were enrolled in 1886, and they cannot be identified upon any roll at this time. Doubt is also cast as shown in the testimony, upon the fact of these being the children of the applicant's wife, but giving them the benefits of all doubts at the present stage of their application, their names will be placed upon a doubtful card for further evidence of their identification.

H. G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete transcription of his stenographic notes in said case.

Subscribed and sworn to before me this 14th day of October, 1900.

Commissioner.

2634

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS

SEP 18 1900

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Norman, I. T., October 19, 1907.

Gen. J. H. ...

I have the honor to acknowledge the receipt of your letter of the 17th inst. for the ... of ...

... F. Finley, born ... and examined by ...

Q ... A ...

Q ... A ...

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(Ruth A. Finley on 1880 roll, page 4, No. 17, R. F. Brewer, Cana-

dis District; on 1890 roll, page 17, No. 1706, Ruth Finley, Cana-

dis District; on 1900 roll, page 117, No. 1706, Ruth Finley, Cana-

dis District; on 1910 roll, page 117, No. 1706, Ruth Finley, Cana-

dis District; on 1920 roll, page 117, No. 1706, Ruth Finley, Cana-

dis District; on 1930 roll, page 117, No. 1706, Ruth Finley, Cana-

dis District; on 1940 roll, page 117, No. 1706, Ruth Finley, Cana-

dis District; on 1950 roll, page 117, No. 1706, Ruth Finley, Cana-

dis District; on 1960 roll, page 117, No. 1706, Ruth Finley, Cana-

dis District; on 1970 roll, page 117, No. 1706, Ruth Finley, Cana-

dis District; on 1980 roll, page 117, No. 1706, Ruth Finley, Cana-

dis District; on 1990 roll, page 117, No. 1706, Ruth Finley, Cana-

dis District; on 2000 roll, page 117, No. 1706, Ruth Finley, Cana-

dis District; on 2010 roll, page 117, No. 1706, Ruth Finley, Cana-

dis District; on 2020 roll, page 117, No. 1706, Ruth Finley, Cana-

dis District; on 2030 roll, page 117, No. 1706, Ruth Finley, Cana-

dis District; on 2040 roll, page 117, No. 1706, Ruth Finley, Cana-

dis District; on 2050 roll, page 117, No. 1706, Ruth Finley, Cana-

dis District; on 2060 roll, page 117, No. 1706, Ruth Finley, Cana-

dis District; on 2070 roll, page 117, No. 1706, Ruth Finley, Cana-

dis District; on 2080 roll, page 117, No. 1706, Ruth Finley, Cana-

dis District; on 2090 roll, page 117, No. 1706, Ruth Finley, Cana-

dis District; on 2100 roll, page 117, No. 1706, Ruth Finley, Cana-

dis District; on 2110 roll, page 117, No. 1706, Ruth Finley, Cana-

dis District; on 2120 roll, page 117, No. 1706, Ruth Finley, Cana-

dis District; on 2130 roll, page 117, No. 1706, Ruth Finley, Cana-

dis District; on 2140 roll, page 117, No. 1706, Ruth Finley, Cana-

dis District; on 2150 roll, page 117, No. 1706, Ruth Finley, Cana-

dis District; on 2160 roll, page 117, No. 1706, Ruth Finley, Cana-

dis District; on 2170 roll, page 117, No. 1706, Ruth Finley, Cana-

dis District; on 2180 roll, page 117, No. 1706, Ruth Finley, Cana-

dis District; on 2190 roll, page 117, No. 1706, Ruth Finley, Cana-

dis District; on 2200 roll, page 117, No. 1706, Ruth Finley, Cana-

Q Have you seen her frequently since she married her present husband, Pindley? A This is the first time I have seen her since she married her present husband.

Q The first time you have seen her for ten or twelve years? A Yes, sir.

Q Have you heard anything about her for the last ten or twelve years? A I have not.

Q So that all your particular knowledge of her was some ten or 12 years ago? A Yes, sir.

Q You haven't come to your house for ten or 12 years? A No, sir.

Q And you live in your neighborhood? A No, sir.

10. Other persons claiming kinship: The applicant applies for the enrollment of her children who she states are here, and her husband, the late John W. Smith and her present marriage. She is identified on the rolls of 1860 and 1885 as a native Cherokee, she has lived in the Cherokee Nation all her life, and her two children and in the 1885 roll, and her husband, John W. Smith, are identified on the roll of 1885, and her husband, John W. Smith, and will be listed on the roll as the children of John W. Smith, and will be listed on the roll as the children of John W. Smith.

[illegible]

7. 10241173

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I, The undersigned, a student of the University of Illinois at Urbana-Champaign, State solemnly oath that the above is a true and correct copy of the original transcript in the possession of the institution for the enrollment of William H. H. Jones, and that the transcript is a true and correct copy of the original transcript.

[illegible]

Ed. [illegible]

D634

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 23 1901


ACTING CHIEFMAN

IN THE MATTER OF THE APPLICATION OF

William Forester et al

ROLLMENT AS

CHEROKEE CITIZENS.

Original testimony, Oct. 18, 1900

Memorandum of application, Oct. 18, 1900

Supplemental testimony, Oct. 19, 1900.

CANCELLED

See file in 100-22

Cher D 635

Cher D 635

Department of the Interior
Commission to the Five Civilized Tribes.
Nowata, I. T., October 18, 1900.

In the matter of the application of Isaac N. Strickland for the enrollment of himself, wife and three children as Cherokee citizens; he being sworn and examined by Commissioner S. R. Breekinridge, testified as follows:

- Q Give me your full name? A Isaac N. Strickland.
Q How old are you? A 45.
Q What is your postoffice? A Coffeyville, Kans.
Q Do you live in Cooweescoowee district? A Yes sir.
Q Who is it you want to have enrolled; yourself and family? A Yes sir.
Q Have you a wife? A Yes sir.
Q How many children? A Three.
Q Are you a Cherokee by blood? A No sir.
Q What is your wife? A She's a Cherokee.
The applicant presents a license issued by the Clerk of Cooweescoowee district Aug. 25, 1897, authorizing marriage between himself and Mrs. Sarah C. Strickland nee Rogers. The certificate shows that they were united in marriage by the Clerk of the district on the same date. This paper is filed herewith.
Q You had previously been married to your wife under United States law, had you not? A Yes sir.
Q When were you married to her under United States law? A In 1878.
Q Have you lived with your wife ever since you married her under Cherokee law in August 1897? A Yes sir.
Q And in the Cherokee Nation all the time? A Yes sir, been out of the Cherokee Nation only for a few days at a time.
Q Your wife's full name? A Sarah C. Strickland? A Yes sir.
Q How old is she? A She's 43 years old.
Q How long has your wife lived in the Cherokee Nation? A She came here in '93.
Q Has she lived here ever since she came in '93? A She's been out three times I guess, just a few months at a time.
Q Where would she go? A She went to Georgia.
Q Just go on a visit? A Just on business.
Q Only staid a few months? A Yes sir.
Q She was admitted by the Cherokee commission to citizenship? A Yes sir.
The applicant presents a copy of a certificate of admission to Cherokee citizenship furnished by the Acting Commissioner of Indian Affairs under date of June 7th, 1900, and enclosed in a letter addressed at that time to the wife of the applicant, which letter is identified by the following head reference: Finance. 24754-1896 26266-1900. I enc. Cl. 83584. This shows that on the 25th of March, 1897, certain persons were admitted to citizenship and among them appears the name of Sarah C. Strickland. This is identified as official evidence of the admission of the applicant's wife at the time stated.
Q When did you say your wife came here? A In '93.
Q You came with her? A Yes sir.
Q You brought the children? A Yes sir.
Q And you have all made this your home ever since? A Yes sir. We've been back to Georgia since.
Q Did you invest in property herein 1893? A Yes.
Q Did you bring your household effects? A Not all of them.
Q When you went back to Georgia did you take your wife and children? A Yes sir.
Q How long did you stay here before you went back to Georgia the first time? how long did you stay? A About one month. I came back to fix up my home here; come back to build a house.
Q Did you leave your family in Georgia? A Yes.
Q How long did you leave them there? A Until June.
Q Then you brought them here? A Yes sir.
Q Been here ever since? A She's been back there since? A

2- I. N. 2.

Been here most of the time since 1896; since September 1896 been here all the time.

Q Before that they were mostly in Georgia? A Yes sir, biggest part of the time in Georgia.

Q Did you ever apply to the Hayes Commission for admission to citizenship? A No sir, I did not.

Q Did any of your family? A No.

Q Give me the names of your three children? A Katie C. Strickland.

Q How old is she? A 20.

Q Name of next child? A Elizabeth L. Strickland.

Q How old is she? A She's 17.

Q The name of the next child? A Rogers Strickland..

Q How old is he? A 8 years old.

Q These children are all living now are they? A Yes sir.

Q What time did you come here in 1893 first with your family? A In September.

Q That was the first visit you made? A I was back here in 1892, but I did not stay very long. I was just prospecting.

Q But after this admission in '87, when did you first come? A In September, 1893.

Q You say you bought some property then? A Yes sir.

Q How many acres of land did you buy in 1893? A About 200 I think.

Q Do you still own that farm? A Yes sir.

Q You bought it then for the purpose of making your home here? A Yes sir.

Q Did you proceed at once to close up your business in Georgia as rapidly as you could? A Yes.

Q You say your family has been in the Cherokee Nation a part of every year between 1893 and 1896? A Yes sir.

Q When did you buy your second farm in the Cherokee Nation? A In 1898.

Q Did you cultivate the farm that you bought in 1893 all the time down to 1896? A Yes sir.

Q Did you continue to add to your possessions and interests here? A Yes, kept breaking out more land here.

Commissioner-

Q There is also identified in the certificate referred to, the name of Kate Clara Strickland— that is the name of your oldest child that you apply for now, is it? A Yes sir.

Q There is also identified the name of Elizabeth Laura Strickland; that is the name of the second child for whom you apply for now? A Yes sir.

Q Was this child Rogers born after the application was made for the admission of your wife? A Yes sir.

Q That is the reason his name is not on the paper, is it? A Yes sir.

This is recognized as official evidence of the admission to citizenship of the parties named in the instrument referred to.

J. Baugh, representative of the Cherokee Nation—

Q You were admitted to citizenship in 1887, is that a fact? A My wife was.

Q How long before you moved to the Cherokee Nation after that? A About six years.

Q Why did you not move here prior to that time if you intended to make this your home? A I can't give all the reasons.

Q Where were you at when the roll of 1894 was made, where were you living? A Down here near Chelsea.

Q You have had your family enrolled yourself? A My wife did.

Q How long before that roll was made did your wife come back to this country? A She came here in '93 in September before the roll of '94 was made.

Q That was the time the roll was being made? A I went to Tahlequah and had her enrolled.

3- I. N. 2.

Q Is it not a fact that you were apprized that they were going to have a large payment here and that you came back for the purpose of drawing a payment on that roll? A No sir.

Applicant- I can give you the reason.

My wife's people had already come here and she wanted to come here too. She wanted to come here with them. Her folks had lived here and she wanted to come too.

Q You say you lived here since 1896 continuously? A Yes sir.

Q Did your wife go back to Georgia in 1897? A No sir.

Q Did she go back in '98? A No sir.

Q In '99? A No sir.

Q Nor 1900? A No sir.

Q She's lived here continuously? A Yes sir.

Q Never been out of the Cherokee Nation since then? A No sir.

Q Weren't your folks here in 1887 when they were re-admitted? A No sir.

Commissioner-

1896 roll: page 261, #4603, Sarah C. Strickland, Coover's Cove

1896 roll: page 261, #4604, Kate C. Strickland,

1896 roll: page 261, #4605, Bessie L. Strickland,

1896 roll: page 261, #4606, Rogers Strickland.

The applicant applies for the enrollment of himself, wife and three children. He is shown to have married his wife in accordance with Cherokee law in 1897, too late for him to be entitled under Cherokee law of 1895, to enrollment. He had previously been married to her, he states in 1878 under United States law. His wife is shown to have been admitted to citizenship by the Cherokee Commission in 1897. The applicant, himself, is not identified on the roll of 1896, and the application for his enrollment is rejected. His wife is shown to have been admitted to citizenship as stated in 1887, and the applicant states that he and his family came to the Cherokee Nation in September, 1893. He shows that he purchased property, a farm, in the Cherokee Nation in '93, which property he states he has owned ever since and has continued to improve. He states that he and his family spent a part of every year in the Cherokee Nation from September, '93 until September, '96, and that it was their purpose during all of that time to make the Cherokee Nation their home, and that they have lived continuously in the Cherokee Nation since September, '96. His wife is identified on the roll of 1896. Her two children are identified with her on the certificate of admission cited in the testimony, and on the roll of 1896. The youngest child, Rogers, is identified with his parents on the roll of 1896, and the applicant states that he was born after the application was made for the admission of his mother. They are all minors and are all living at this time. In the opinion of the Commission, there exists no valid objection to the enrollment at this time as Cherokees by blood of the applicant's wife and three children named in the testimony, but the Cherokee representative present enters objection to their enrollment because of their delayed residence in the Cherokee Nation, and for the further consideration of that point, the case will be held under advisement and will be for the present listed upon a white card.

E. G. Pothensberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

Subscribed and sworn to before me this 18th day of October, 1900.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILE 11
OCT 18 1908

ACTING CHAIRMAN

[The following text is extremely faint and largely illegible due to the quality of the scan. It appears to be a series of paragraphs or a letter, possibly containing names and dates.]

[Handwritten signature or initials]

Supl.-C.D.#335.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
SARAH C. STRICKLAND, ET AL/, as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 18, 1902, that his application for the enrollment of his wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902. Receipt has been acknowledged of Commission's letter and the applicant this day, to-wit: the 6th day of March, 1902, appears in person and by her agent, J. R. Sequichie.

Mr. W. W. Hastings, Cherokee Representative, present.

ISAAC M. STRICKLAND being first duly sworn, testified as follows on part of applicants:

MR. SEQUICHIE:

Q What is your name? A Isaac M. Strickland.
Q Post office? A Coffeyville, Kansas.
Q How old are you? A 47.
Q Mr. Strickland, this is a case of the application of Sarah C. Strickland, et al., on October 18, 1900, at the time that she applied for enrollment, it seems that there was a question to your residence since you returned as given in the testimony says 1893; now you can state why after coming to the Cherokee Nation in 1893; have you lived out of the Cherokee Nation for any length of time?
A Did you want me to state just exactly how come me to go back and forth, is that the object?
Q I will ask you this; after you come here in 1893, did you ever live out of the Cherokee Nation over six months or a year?
A Well, I was out myself once a little more than a year; my wife was here a part of yevery year.
Q And your family? A Yes, sir.
Q And the reason was brought on by circumstances? A By a law suit I had to attend to back in Georgia.
Q But your family, wife and children, were never out any great length of time after returning? A No, sir, not over 12 months at a time. I don't think they were out 12 months at any time.
Q Were your family here June 14, 1896? A
Q Did they reside in the Cherokee Nation? A No, sir, they weren't here June 14. They come here in September is my recollection in 1896.
Q How long had they been out when they-? A They were here in 1895; I have got some papers here I can get the dates; I don't remember the dates exactly. I think I have got some. I can't tell you exactly the dates.
Q Well, did they move back? A No, sir, they didn't move they just went because I was hung up on that lawsuit.
Q You was there six months? A I think about six months is my recollection.
Q Since their return here you have resided and all your personal effects in the Cherokee Nation? A Since we come here in September, 1896. Never have known of them being out farther than Coffeyville, Kansas.

MR. HASTINGS:

Q That is when you permanently located here was in September, 1896?
A When they,

Q You had been out heretofore A Yes, sir.

Q You had some business back in Georgia? A I had rented my farm back there in 1892 or 3 for five years and got into trouble about the rents and I had to go back and forth to see about it and finally got into a law suit and that kept me back there until 1896, part of the time.

Q Kept you until 1896 and you moved here in September, 1896?

A Yes, sir.

Commission: There is offered in evidence a copy of the certificate of admission to Cherokee citizenship issued by the Cherokee Commission on citizenship showing that the applicant in this case, Sarah C. Strickland, was admitted to citizenship in the Cherokee Nation, on the 14th day of October, 1887.


The Agent for the applicant submits the case in behalf of Sarah C. Strickland and children and the representative of the Cherokee Nation submits the case in behalf of the Nation, and the same is ordered closed and reported to the Commission for a final decision based upon the evidence now of record.

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I, J. O. Rosson, do certify that upon my official oath as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson
Stenographer.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 12 1902


ACTING CHAIRMAN

RECEIVED
MAR 12 1902
U.S. DEPT. OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., MARCH 21, 1902.

In the matter of the application of George H. Remington for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation; said Remington being duly sworn, testified as follows:

By the Commission:

- Q Your name is George H. Remington, is it? A Yes, sir.
Q How old are you? A I am about 62 now.
Q Your post office address is Muskogee? A Yes, sir.
Q Do you apply for enrollment as a Cherokee by intermarriage?
A Yes, sir.

Commission: There is filed in the case of the applicant's wife, Mary A. Remington, Cherokee Card D. 222, a license issued by James A. Winston, Clerk of the United States Court for the Northern District of Indian Territory, issued on the 31st day of December, 1896, authorizing the marriage of George H. Remington and Mary Ann Pruitt, and certificate showing that they were united in matrimony on the 1st day of January, 1897, by E. F. Cameron, a Minister of the Gospel.

BY MR. D. M. WISDOM, Attorney for Applicant:

- Q When did you marry this woman, Mary A. Pruitt? A '94, first time; time they drew the strip money.
Q You lived with her as man and wife until you married the last time? A Yes, sir.
Q Where did you live? A Well, part of the time in the Cherokee Nation, about two years, about it all together in the Cherokee Nation and down there at Gibson station in the Creek Nation, we all held a place in the Creek Nation the same as Cherokees.
Q You married her in '94? A First time, preacher married us.
Q Who married you? A Can't tell you his name, some of the colored people; he died in about three weeks afterwards.
Q Was he a colored minister? A Yes, sir; Creek.
Q Did he give you any certificate? A No, the river was up and he didn't get back to marry me again and they told me I would have to marry again; I could not get them papers from the other side of the river was up and so I got the United States papers the last time.
Q Well, is her name upon the Cherokee roll? A It is upon the old settler.
Q Isn't it upon some other? A Yes, sir; it is on the '94.

COMMISSION:

- Q Was your wife ever married before she married you? A Yes, it was Lowren.
Q When was she married to that man? A That was her first husband.
Q Do you know when they married? A No, sir, I don't.
Q Was that the only time she was married; to you and this man Lowren? (No response.)
Q What was her maiden name? A Reynolds.

The 1880 Authenticated roll of citizens of the Cherokee Nation examined and name of applicant's wife not found thereon.

MR. WISDOM:

- Q You lived with her as man and wife did you up until your second marriage? A I have taken care of her from 1892 and '93, ~~times~~ ~~strongly with me in 1893 and 4~~ this man here stayed with me in 1893 and 4

when we was keeping house.

COMMISSION:

- Q Was your wife married before she married you? A Twice.
Q Was both of her first husbands dead when she married you?
A Yes, sir! Both Lewren was a Choctaw.
Q Was he living? A No, sir.
Q You never married under Cherokee law? A No, sir, could not have been.
Q You don't claim to be a Cherokee by blood? A No, sir.

The 1894 pay roll of Cherokee citizens examined and name of applicant's wife found thereon, page 268, #3244, as Mary A. Pruett, Cooweescoowee district.

Commission: George H. Remington applies for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. He is not identified on any of the tribal rolls of the Cherokee Nation, neither is his wife through whom he claims citizenship identified upon any of the rolls, except the pay roll of 1894. The applicant makes satisfactory proof as to his marriage in 1897 under a license issued by the United States Court for the Western District, Indian Territory. Applicant avers that he was never married to his wife in accordance with Cherokee law. By reason of the fact that he is not identified upon any of the tribal rolls of the Cherokee Nation and never married according to the tribal laws of the Cherokee Nation, he will be listed for rejection as a citizen by intermarriage of the Cherokee Nation.

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I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the five Civilized Tribes I correctly recorded the testimony and proceedings had in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

41.

2635

Cherokee D 635.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Isaac N. Strickland for the enrollment of his wife, Sarah C. Strickland, and his children, Kate C., Elizabeth L. and Rogers Strickland, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 18, 1900 Isaac N. Strickland appeared before the Commission at Nowata, Indian Territory and made personal application for the enrollment of his wife, Sarah C. Strickland, and his children, Kate C. Strickland, Elizabeth L. Strickland and Rogers Strickland, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory March 6, 1902. The said Isaac Strickland is a party to this application, but differently classified and not embraced in this decision.

The evidence shows that the applicant, Sarah C. Strickland, is a Cherokee by blood; that she was lawfully married to the said Isaac N. Strickland under the laws of the United States in 1878 and under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on August 26, 1897; that the applicants, Kate C., Elizabeth L. and Rogers Strickland, who are minors, were born of said marriage; that on March 25, 1887 all of the applicants except Rogers Strickland, were admitted to citizenship in the Cherokee Nation by the duly constituted authorities thereof in pursuance of the provisions of an Act of the National Council of said Nation, approved December 9, 1886; that said Rogers Strickland was born subsequent to said 25th day of March; that all of the applicants herein are identified on the 1896 census roll. It further appears, from an examination of the tribal rolls of the Cherokee Nation in possession of this Commission, that they are also identified on the 1894 strip payment roll.

The evidence further shows that said Sarah C. Strickland and Isaac N. Strickland have lived together continuously as husband and wife since the date of their marriage; that the applicants herein have resided most of the time from 1893 to September 1896 in the State of Georgia, but during said time have maintained a home and claimed their residence to be in the Cherokee Nation, where they have resided all of the time since 1896; that all of their property interests have been in said Nation since 1893 and that the said Isaac N. Strickland has resided therein during said time, except at intervals when he was in the State of Georgia on business. The minor applicants, Kate C., Elizabeth L. and Rogers Strickland, have resided with their parents since the date of their birth.

It is, therefore, the opinion of this Commission that Sarah C. Strickland, Kate C. Strickland, Elizabeth L. Strickland and Rogers Strickland should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats. 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Washoee I. T. October 4th 1902.

PROTEST OF THE CHEROKEE NATION.

Cherokee D 638.

In the matter of the application of Isaac W. Strickland for the enrollment of of his wife and children as citizens of the Cherokee Nation.

The Cherokee Nation desires to respectfully protest against the decision of the Commission rendered on September 30th 1902 enrolling the applicants Sarah E. Strickland et al as citizens of the Cherokee Nation and asks that same be forwarded to the Honorable Secretary of the Interior for Review.

The testimony in this case shows that the applicants were admitted to citizenship in the Cherokee Nation on August 25th 1897 and that they did not permanently locate in the Cherokee Nation until September 1896.

The act of December 4th 1894 provides:

"That all persons who have been or may hereafter be readmitted to citizenship in the Cherokee Nation are hereby required to permanently locate within the limits of the Cherokee Nation within six months after the passage of this act, or from the date of readmission of persons hereafter readmitted, or no rights whatever shall accrue to such persons by reason of such readmission:

The testimony in this case is clear, convincing and positive that they did not permanently locate in the Cherokee Nation until September 1896 or more than one year after the expiration of the six months after December 4th 1894 during which time they were required to return and locate permanently within the Cherokee Nation.

It is true they visited the Cherokee Nation prior to that time but they admitted that they were in Georgia the biggest part of the time and in as much as the Commission is commanded by the every act of Congress to respect all laws enacted by the Cherokee Nation relative to Cherokee Citizenship and inasmuch as these people practically admit that they

first permanently in the Cherokee Nation in September 1896 we do not see how under the law they can be enrolled.

But the Commission answers this question by saying that their property ~~rights~~ interests were here and therefore they argue that their constructive residence was here.. If their constructive residence was here on June 4th 1898, or "six months after December 4th 1894, and that can be construed their actual residence why can not a number of our citizens constructively reside here on June 26th 1898, the day made sacred and set apart by the Curtis Bill.

On December 4th 1894 the Cherokee Nation had the sole contrroll of all legislation with reference to Cherokee Citizenship and the Cherokee Nation had the same authority upon that date and the legislative acts of the Cherokee Nation of that date are as binding as the act of Congress of June 26th 1898 and we contend that it was as necessary for a person admitted to citizenship in the Cherokee nation before December 4th 1894 to have been ~~constructively~~ here in June 4th 1898 as it is for them to have been here on June 26th 1898.

Respectfully submitted?

W. W. Hastings
Attorney for the Cherokee Nation.

Attent:

J. C. Starr
Stenographer for the Cherokee Nation.

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CHELSEA, I. T.

Feb 19

1902

J B Starr Esq

Muscogee 37

Your letter of enquire of Isaac Strickland
and family received Strickland came
here and drew ship money went back
to Georgia J J Gaskey lived with Mrs Strick
-land Father he says they moved
to this country in 1896 in the summer
Strickland bought a farm from Frank
Conch I think in 1894

L B Hudson Lem Parish and J J Gaskey
know when they move to this country

Yours to C

W H Sudder

Calicut Feb 20 1892

M. G. & C. Starr

Dear Sir

Yours of the 17 received in regard
to Isaac Strickland. I know one
clerk Strickland from Georgie his
wife is the daughter of Henry Rodgers
he come to this country some time
in 1893 and bought a place from
Frank Cough I think in 92 or 4
and went back to Georgie the next
time I saw him he moved his
family in 1896 to the best of my
knowledge Roland Adair or
P. C. Cough I think will know
when he moved to this country
Respectfully yours

J. M. G. Starr

100

COMMISSIONERS

HENRY L. DAWES
JAMES BEADY
THOMAS H. NELSON
C. R. HICKS

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFERS IN REPLY TO THE FOLLOWING

Cherokee D 635.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

Muskogee, Indian Territory, October 25, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated September 20, 1902, granting the application of Isaac N. Strickland for the enrollment of his wife, Sarah C. Strickland and his three minor children, Kate C., Elizabeth L. and Rogers Strickland as citizens by blood of the Cherokee Nation, a copy of which said decision was furnished you on September 26, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

C. R. Hicks

Commissioner in Charge
Acting Chairman.

HENRY I. DAWES
JAMES HENRY
THOMAS B. NEEDLES
W. B. BENTLEY

ATTORNEY AT LAW
1000 10TH AVENUE
SUITE 1000
DENVER, CO 80202
(303) 733-1111
FAX (303) 733-1112
WWW.BENNETTLAW.COM

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

QUOTE THE REFERENCE TO THE FOLLOWING:

Cherokee D-635.

Muskogee, Indian Territory, December 8, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated September 20, 1902, granting the application of Isaac N. Strickland for the enrollment of his wife, Sarah C. Strickland, and his three minor children, Kate C., Elizabeth L. and Rogers Strickland, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 18, 1902.

Respectfully,

Acting Chairman.

COMMISSIONERS
HENRY L. DAWKINS
TAMM BIRBY
EDWARD H. BOWEN
R. B. BOWEN

ATTORNEYS AT LAW
WASHINGTON, D. C.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R 635

Vinita, Indian Territory, January 10, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision,
dated November 20, 1902, rejecting the application of George H.
Remington for the enrollment of himself as a citizen by intermar-
riage of the Cherokee Nation was affirmed by the Secretary of the
Interior on December 22, 1902.

Respectfully,

Acting Chairman.

GRS

Passion W 635
IN THE MATTER OF THE APPLICATION OF

Samuel C. [illegible]
[illegible] AS
CHEROKEE CITIZENS.

- " Original testimony Oct 18/00
- " Memo of application Oct 18 00
- " Letter from applicant
- " Notice of final consideration May 21
- " [illegible]

up letter also [illegible] 3/16/02

[illegible] 292

Cher D 636

Cher D 636

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
NOWATA, I. T., OCTOBER 18th, 1900.

IN THE MATTER OF THE APPLICATION OF James E. Bell for the enrollment of Lelia and Foster Stone, as citizens of the Cherokee Nation, and the said Bell, being sworn and examined by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A James E. Bell.
Q How old are you? A Fifty seven.
Q What is your Postoffice? A Calagah.
Q What district do you live in? A Cooweescoowee.
Q For whom do you apply for enrollment? A Lelia and Foster Stone., minor children of R. H. and Emma C. Stone; (Applicant's wife being guardian for the said children)
Q How old is Lelia Stone? A Sixteen.
Q How old is Foster? A She is eleven: They are both girls.
Q What is their mother's name? A Emma C. Stone.
Q What is their father's name? A R. H. Stone.
Q Are they living? A No sir.
Q Was their mother a Cherokee by blood? A Yes sir.
Q What was Emma C. Stone's name before she married? A Emma C. Murphy: I do not think she is on the roll of 1880: She was in Texas.
Q You say the mother of these children was in Texas? A She went to Texas, I believe about 1880.
Q Where was Emma Murphy born? A In North Carolina.
Q When did she come to the Cherokee Nation? A I do not know.
Q Does her name appear upon the authenticated roll of 1880?
A I do not know: They went to school in Texas: Her mother, and the boys, Tom and Will are on the roll of 1880, I reckon: The boys did not go.
Q There is no proof here that the mother of these children is a citizen of the Cherokee Nation: Have you any proof of her citizenship? A No sir.
(1896 Roll, Page 263, #4645, Lellie Stone, Cooweescoowee Dist)
(1896 Roll, Page 263, #4646, Foster Stone, Cooweescoowee Dist)
Q How long has their mother been dead? A Since 1898.
Q Is Emma C. Stone a sister of your wife? A Yes sir.

The names of Lelia and Foster Stone appear upon the census roll of 1896: It is averred that their mother's name before her marriage to R. H. Stone, the father of the said children, was Emma C. Murphy: Her name is not found upon the authenticated roll of 1880, nor upon the census roll of 1896: No satisfactory proof is presented of the citizenship of the mother of the children now being applied for: Consequently, final judgment as to the enrollment of the said children will be suspended, and their names will be placed upon a doubtful card.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 19th day of October, 1900.


COMMISSIONER.

Supl.-C.D.#636.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
LELIA STONE, ET AL., as citizens of the Cherokee Nation:

The applicants were notified by registered letter February 15, 1902, that their application for enrollment as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902. Receipt was acknowledged of Commission's letter, and on said date the applicant's appeared by their Agent, J. R. Sequichie. By agreement the case was continued until the 14th day of March, 1902. On said date the case was again continued by agreement until the 21st day of March, 1902. The applicants this day, to-wit: the 21st day of March, 1902, appear by their Agent, J. R. Sequichie.

Mr. W. W. Hastings, Cherokee Representative, present.

J. S. P. BELL, being duly sworn, testified as follows on part of the applicants:

MR. SEQUICHIE:

- Q What is your name? A J. S. P. Bell.
Q How old are you? A 58.
Q What is your post office? A Oolagah.
Q You know the applicant in this case, Lelia Stone, et al.?
A Yes, sir.
Q What relation are they to you? A Niece.
Q By marriage? A Yes, sir.
Q Is your wife their aunt? A Yes, sir.
Q Was the mother of these children a full sister to your wife?
A Yes, what she went by yes.
Q Is your wife on the 1880 roll? A Wife yes.
Q How long has she been since, Mrs. Stone died? A She died in 1888, I believe, Spring of '88.
Q Had she always been recognized as a Cherokee citizen up to the time of her death? A The Council recognized her after she was dead, the committee paid that money, I made application to the Council and they paid the money.

MR. HASTINGS:

- Q When? A After she died.
Q When? A In About '89.

MR. SEQUICHIE:

- Q Are you the guardian of these children? A I am now, my wife was.

MR. HASTINGS:

- Q Where was the mother of these children born? A North Carolina.
Q When did she come here? A I don't know exactly; I got acquainted with the applicants-
Q She is not on the 1880 roll? A No, sir.
Q When did you get acquainted with her? A In '82. or '83.
Q Was she single then? A Yes, sir.
Q She hadn't married B. H. Stone? A No, sir.
Q Where did she die? A Tahlequah.
Q This woman? A Yes, sir.
Q She lived there from 1882 up until the time she died?
A I think she so; she was married there in '84 when I went there to Tahlequah.
Q Did you see her after that? A Yes, sir; I was there when she died.

Q Where have these children been since her death? A No; I have raised them.
Q Oolagah? A Yes, Tahlequah, we stopped at Tahlequah a while and we moved to Claremore and stayed one year and then we moved up to Oolagah, that is just 12 miles.
Q They have not been out of the country? A No, sir.
Q They have been there ever since their mother's death?
A Yes, sir.

JOE ROWLAND, being duly sworn, testified as follows on part of applicants:
MR. SEQUICHIE:

Q What is your Name? A Joe Rowland.
Q How old are you? A 49.
Q What is your post office? A Claremore.
Q Did you ever in your life-time know a Cherokee citizen by the name of Phoebe Murphy? A Yes, sir.
Q Was she a Cherokee citizen? A She claimed to be and recognized at that time.
Q Did she have any children? A Yes, sir.
Q How many children did she have? A I guess five.
Q You don't know their names? A I don't know that I could repeat them all, the oldest one was Malissa and Cynthia I think we always called her Sissie; I was well acquainted with the family, and Tom and Will and Martha and Dollie.
Q Where did they live the first time you knew them? A Tahlequah.
Q How long ago was that? A That must be 25 years ago.
Q They were living right in Tahlequah district at that time?
A Yes, sir.

MR. HASTINGS:

Q You know where she was born? A No, sir.
Q And you never knew her until about 25 years ago? A I guess it has been 30 years ago.
Q Where did you live? A I lived on 14 mile creek.
Q Where did this family live? A They lived in town.
Q How far did you live from them? A About eight or nine miles.
Q Do you know where she was born? A No, sir.
Q She was alive in 1880 wasn't she? A I don't know, I moved away from there in '79, up to Cooweescoowee and I never knew anything about the family, but I heard one of them married Mr. Stone.

THOMAS BEABERT, being duly sworn, testified as follows on part of the Applicants:
MR. SEQUICHIE:

Q What is your name? A Thomas Beabert.
Q How old are you? A 49.
Q What is your post office? A Melvin.
Q Mr. Beabert, did you ever know a person by the name of Phoebe Murphy? A No, sir, I didn't know her.
Q Did you know any of the family? A I knowed the boys, the Murphy boys.
Q What was the name of those boys? A One was named Tom and one Will.
Q Did you know Cynthia? A No, sir, I wasn't acquainted with any of the girls.
Q Was Tom and Will recognized citizens at the time you knew them?
A I suppose they was; I never heard anything to the contrary.
Q Where were they living? A There about Tahlequah.
Q How long did you know these boys? A I don't know; I have known them several years; one of them lives up there now, Tom Murphy.

Q Have you known them ten years? A Yes, sir.

Q Any longer than that? A I have known them 15 years.

MR. HASTINGS:

Q You don't know whether this woman you are talking about is a Cherokee by blood or recognized citizen or not? A No, sir.

Q You don't know whether she was ever admitted here? A No, sir.

Q You don't know where she was born? A No, sir.

Q You don't know whether or not these men that he speaks of here were admitted by the Court or Council? A No, sir.

Q You don't know where they were born do you? A No, sir.

Q You don't know how they come to be citizens do you? A No, sir.

Mr. Sequichie: I would like to offer in evidence the 1880 enrollment of Mrs. Stone and her brothers and sisters.

Mr. Hastings: I object to that because it is not evidence of this woman's citizenship and these children's citizenship. The mother may have been admitted and the brothers may have been admitted; unless it was first shown that this woman was born in the Cherokee Nation and always lived here from her very birth up, which is not shown in this case, but on the other hand it is shown that she was born in North Carolina.

The 1880 Authenticated roll of citizens of the Cherokee Nation examined and names of applicant's mother and brothers and sisters found thereon as follows:

Page 782, #1411, Phoebe Murphy, Tahlequah district, adopted white, 40 years of age.

Page 782, #1412, Thomas Murphy, Tahlequah district, native Cherokee.

Page 882, #1413, Martha Murphy, Tahlequah district, native Cherokee;

Page 782, #1414, Dolly Murphy, Tahlequah district, native Cherokee.

Mr. Hastings: The representative of the Cherokee Nation right now desires to call attention to the fact that no relation ship whatever has been shown between the mother of these children and the names hereinabove taken, and they do not admit that this is the mother of the applicant, and that these others are the brother and sisters of the applicant, the mother of the children.

Commission: The Agent for the applicant and representative of the Cherokee Nation submit the case. The same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

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I, J. O. Rowson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rowson

CD 636

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 28 1902

 ACTING CHAIRMAN

Cherokee D-636.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 28, 1902.

In the matter of the application of Lelia Stone et al for
enrollment as citizens by blood of the Cherokee Nation.

SUPPLEMENTAL TO D-636.

TESTIMONY IN BEHALF OF APPLICANT.

Cherokee Nation appears by W. W. Hastings.
Applicants appear by their guardian, J. E. P. Bell.

MATTIE M. BELL, being first duly sworn, testified as follows:

COMMISSIONER: What is your name? A Mattie M. Bell.
Q What is your postoffice address? A Celamah.
Q How are you related, if at all, to the applicant in this case, Lelia Stone? A I am her aunt.
Q Who is the mother of these children? A Their mother was Emma Stone, my sister.
Q Was she ever known by any name other than Emma? A Before she was grown we used to call her Cynthia; that's what that C in her name is for, Emma C.
Q Did you and the mother of this applicant have the same parents, were you full sisters? A Yes, sir.
Q Is your name on the roll of 1880? A Yes, sir.
Q Are you older than the applicant's mother or younger? A Younger.
Q Did you ever know any one named Phoebe Murphy? A That's my mother.
Q That was your mother and also the mother of Lelia Stone's mother, was it? A Yes, sir, was Lelia Stone's grandmother.
Q And who was Thomas Murphy? A That's my brother.
Q He is an uncle of Lelia Stone's? A Yes, sir.
Q Who is Martha Murphy? A That's me.
Q Who is Dolly Murphy? A That's my sister.
Q Is she also an aunt of Lelia Stone? A Yes, sir.
Q When was your sister, the mother of the applicant, married? A In 1884 I believe it was.
Q Where was she living when the roll of 1880 was made? A She was down in this country some place.
Q You mean in the Cherokee Nation? A Down in the Creek country, yes, sir.
Q In the Creek Nation? A Yes.
Q Well was she married at that time? A No, sir.
Q With whom was she living? A A family by the name of Hill.
Q How long was she residing in the Creek Nation? A I don't remember just how long, five or six months I guess.
Q Do you remember in what year she came to the Creek Nation? A Why it must have been the first part of 1880.
Q In the early part of the year 1880? A Yes, sir.
Q Well now how long did she continue to reside here after that? A In the Creek country?
Q Yes. A I don't think she stayed there over five or six months, I don't remember just how long it was.
Q Where did she go then? A She went back home.
Q To the Cherokee Nation? A Yes, sir.
Q Did she continue to reside there continuously until the time she died? A No, sir, she was in Texas part of the time.
Q When did she go to Texas? A After she married she was in Texas.

Q When was she married? A In 1864.
Q How long did she continue to reside in Texas? A I don't remember just how long, she was there about a year or two I think.
Q Where did she go then? A Back to the Cherokee Nation.
Q Did she remain in the Cherokee Nation after her return from Texas until the time she died? A Yes, sir, she died at Tahlequah.
Q Now your brothers and sisters, Thomas Murphy and Dolly Murphy and the mother of Lelia Stone are all the children of the same parents, are you? A Yes, sir.
Q Same father and mother? A Yes, sir.
MR. HASTINGS: How much older did you say she was than you?
A She's nearly four years older than me.
Q Born in North Carolina? A Yes, sir.
Q About how old was she when she came here? A She was about nine I guess.
Q About what year did she come to the Cherokee Nation? A Let's see, I don't just remember, it was when I -
Q What year were you born and then add about five to it? A I was born in '86.
Q You came here about '91, you was about five years old? A Yes, sir.
Q She was about nine? A She was.
Q With the exception of her residence in Texas for a short time of a year or two did you know of her ever residing outside of the Indian Territory after you came here from North Carolina, as you stated? A No, sir, I don't believe she ever lived since that time in Texas outside of home in the Territory.
COMMISSIONER: When did your sister die, how long ago? A She died in the winter of 1888.
MR. HASTINGS: You say that you and the mother of these children were full sisters, same father and same mother both? A Yes, sir.
COMMISSIONER: Is Dolly Murphy younger than you? A Yes, sir.
Q Your sister, the one who is the mother of these children, is the oldest child? A No she was older than me, she wasn't the oldest, both my brothers -
Q Is Thomas older than she? A Yes, sir, older than me, one brother and the oldest sister's dead.
MR. HASTINGS: Your mother was Phoebe? A Yes, sir.
Q She was a white woman? A Yes, sir.
Q When did your father die? A He died back in the old Cherokee Nation back in North Carolina when I was quite small.
Q Who is your father related to, what families in this country? A I don't know of any relation here.
Q Have no relatives at all that you know of? A No, sir, I think he had some brothers, but they didn't come here.
COMMISSIONER: Did your sister, the mother of Lelia Stone, come to the Cherokee Nation at the time that you all came? A Yes, sir, all came together.
Q And with the exception of the times you mentioned that she was absent she always made this her home did she? A Yes, sir.
Q Did she participate in any payments prior to her death that you know of? A Yes, sir, in 1888 I believe she received a payment, and then after she died there was two payments made to the estate for the children.
Q Well about when was she married to the father of Lelia Stone, how long ago? A It was in 1864.
Q Was that the first time she had ever been married? A Yes, sir.
MR. HASTINGS: Do you know whether your family was admitted to citizenship when you came here in 1871 or not? A Yes, sir, they was admitted, I don't know just how long after, but not immediately after we came, I know when, along when I was quite small, there was ten dollars paid out for money, bread money I believe, they called it

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here, and we didn't receive that, we hadn't been admitted yet, and we wasn't admitted after that -

Q Well have you ever tried to get a copy of that act to see whether or not your sister's name is embodied in the act or not? A No, sir.

COMMISSIONER: Have you any idea what year that was in? (No response.)

JOE ROLLIN, being first duly sworn, testified as follows:

COMMISSIONER: What is your name? A Joe Rollin.

Q How old are you? A 49.

Q What is your post-office address? A Claremore.

Q Are you acquainted with the applicant in this case, Lelia Stone, and her sister? A Yes, sir.

Q Did you know their mother? A Yes, sir.

Q What was their mother's name? A Well her name was Cynthia Murphy, that's what we always called her, Emeline Cynthia, Emeline was what they said her name was.

Q The grandfather of Lelia Stone, did you know him? A No, sir.

Q Did you know the grandmother of Lelia Stone? A Yes, sir.

Q What was her name? A Phoebe Murphy.

Q Well was she a citizen by blood or a white woman? A Phoebe Murphy?

Q Yes, sir. A She was a white woman I think, that was as well as - I am satisfied she was.

Q Were you acquainted with the applicant's mother before she came to the Cherokee Nation? A No, sir.

Q Did you know her continuously from the time of her arrival in the Cherokee Nation until the time she died? A Oh no, I lived with them about a year.

Q From the time she died? A Yes, sir.

Q Her brothers and sisters are all recognized citizens are they not? A Yes, sir.

W. HASTINGS: When did you become acquainted with her? A Well when they came from the old nation.

Q Immediately? A Yes, sir, I was working for a man by the name of McKay and he had me to go and move them from Chouteau to Fourteen mile creek, and I was acquainted with them, well for five or six years, right with them.

Arthur C. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the above and foregoing is a true transcript of his stenographic notes thereof.

Arthur C. Croninger

Subscribed and sworn to before me this 13th day of June, 1902.

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James E. Bell for the enrollment of Lelia Stone and Foster Stone as citizens by blood of the Cherokee Nation.

D E C I S I O N.



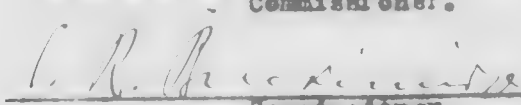
The record in this case shows that on October 18, 1900 James E. Bell appeared before the Commission at Nowata, Indian Territory and made personal application for the enrollment of Lelia Stone and Foster Stone as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory on March 21, 1902 and May 28, 1902.

The evidence shows that the applicants, Lelia and Foster Stone, are minors and are identified on the 1896 census roll. It further appears, from an examination of the tribal rolls of the Cherokee Nation in possession of this Commission, that they are identified on the 1894 strip payment roll, and that their mother, Emma Stone, is identified on the 1866 pay roll. Their father, a white man, and their said mother, a Cherokee by blood, are both dead. One Phoebe Murphy, the grandmother of these applicants, is identified on the 1880 authenticated tribal roll of the Cherokee Nation as an adopted white, and her children, Thomas, Martha and Dolly Murphy, brother and sisters respectively of the deceased mother of said applicants, are identified on said 1880 roll as Native Cherokees. Their maternal grandfather, a Cherokee by blood, died in the State of North Carolina, after which his widow with her minor children, including the mother of these applicants, migrated to the Cherokee Nation.

The evidence further shows that the mother of the applicants herein resided in the Cherokee Nation from 1871 until her death in 1888, except one or two years absence therefrom in the State of Texas just after her marriage; that the applicants resided with her from the date of their birth until her decease, since which time they have lived with their guardian in said Nation.

It is, therefore, the opinion of this Commission that Lelia Stone and Foster Stone should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats. 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this JUN 1 - 1902

513

COMMISSIONERS

HENRY L. DAWES
TAMM HIRSH
THOMAS H. NELSON
C. R. BRIDGEMAN

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

STATE IN REPLY TO THE FOLLOWING

Cherokee D 635.

ALLISON T. AUSTIN
SECRETARY

Muskogee, Indian Territory, September 26, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

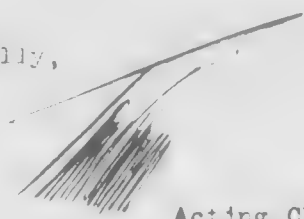
Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Isaac N. Strickland for the enrollment of his wife, Sarah C. Strickland, and his three minor children, Kate C., Elizabeth L. and Rogers Strickland, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. C. No. 41.

207

COMMISSIONERS

HENRY L. DAWES
TAMM BIXBY
THOMAS H. NEEDLER
C. R. BRACKENRIDGE

REPLY IN REPLY TO THE FOLLOWING

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES Cherokee R 636

ALLISON I. AVERSWORTH
SECRETARY

Vinita, Indian Territory, January 10, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 20, 1902, rejecting the application of James B. Gray for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation was affirmed by the Secretary of the Interior on December 22, 1902.

Respectfully,

Acting Chairman.

QRS

COMMISSIONERS

JAMES BERRY
THOMAS H. NEEDLES
C. R. BUCKENHIDE
W. F. STANLEY

ALLISON L. AYERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-636.

Muskogee, Indian Territory, July 9, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

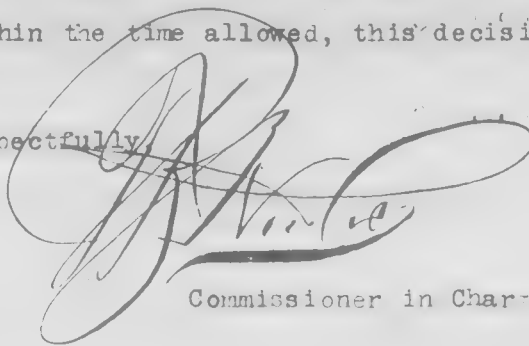
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1903, granting the application of James E. Bell for the enrollment of Lelia Stone and Foster Stone as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Commissioner in Charge.

Enc. H-31.

~~Decision NO 630~~

~~IN THE MATTER OF THE APPLICATION OF~~

~~John Stone~~

~~INT AS~~

~~CHEROKEE CITIZENS.~~

~~Transferred to Cherokee 20263~~

~~A original testimony Oct 18/50~~

~~A memo of application Oct 18/50~~

~~A Notice of final consideration 3/6/02~~

~~A Receipt for testimony~~

~~C~~

~~See Cherokee Packet 4573~~

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Cher D 637

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
SENATA, K.T., OCTOBER 20th, 1892.

IN THE MATTER OF THE APPLICATION MADE Michael F. Mayfield for the enrollment of himself, his wife and children as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Michael F. Mayfield.
Q How old are you? A Fifty.
Q What is your Postoffice? A Longsick.
Q What district do you live in? A Comanche.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A By blood.
Q What degree of blood? A One sixteenth.
Q For whom do you apply for enrollment? A Myself, wife and two children.
Q What is the name of your wife? A Ellen Mayfield.
Q Is she a citizen by blood? A No sir; she is a white woman.
Q Have you a certificate of marriage to her? A Yes sir.
Q The applicant presents a certificate of marriage, certifying that he was married to one, Ellen Ellen Hansen, on the 27th day of May, 1892.
Q What are the names of your children? A Thomas N. Mayfield.
Q How old is he? A He is sixteen years old.
Q What is the name of the next one? A Wattie Mayfield.
Q How old is Wattie? A He is eleven years old.
Q What is the name of the next child? A That is all of them, with me.

Q Who is the mother of Thomas N. Mayfield; your wife, Ellen?
A No sir; Isaac Sanders that was; she is dead.
Q You were married before you were married to Ellen Hansen?
A Yes sir.
Q To whom? A Isaac Sanders.
Q A Cherokee citizen by blood? A Yes sir.
Q Is she living? A No sir.
Q Did she die before you married Ellen Hansen? A Yes sir.
Q Is Ellen Hansen your second wife? A No sir; third wife.
Q Was your present wife ever married before she married you?
A No sir.
Q Your wife previous to the one before Ellen Hansen died before you married Ellen? A Yes sir.
Q You lived with her until her death? A Yes sir.
Q Are these two children living and living with you? A Yes sir.
Q Thomas is; Wattie is with his mother in the Onaga country.

Q What is his mother's name? A Anna Harlow.
Q Was she your first wife? A No sir; second.
Q Was she a white woman? A Yes sir.
Q Have you any proof of marriage to Anna Harlow? A No sir; none here.

Q Who was the mother of Thomas N. Mayfield? A Isaac Sanders.
Q She was a Cherokee by blood, was she? A Yes sir.
Q Was she your first wife? A Yes sir.
Q What is your second wife's name? A Anna Harlow.
Q Is she living? A Yes sir.
Q Are you divorced from her? A Yes sir.
Q Have you a certificate of divorce? A No sir.
Q Have you any children by her? A One; Wattie.
Q She is a white woman? A Yes sir.
Q You have no certificate of marriage, or certificate of divorce to her? A No sir.
Q You have no children by your first wife? A No sir.

(1890 Roll, Page 782, 1408, Mike Mayfield, Tahlequah Dist)
(1896 Roll, Page 1211, 2223, Michael F. Mayfield, Tahlequah Dist)
(1896 Roll, Page 1288, 2187, Ellen Mayfield, Tahlequah Dist)
(1896 Roll, Page 1212, 2223, Thomas N. Mayfield, Tahlequah Dist)
(1896 Roll, Page 1212, 2223, Wattie Mayfield, Tahlequah Dist)

(1896 Roll, Page 1412, James, Wattle Mayfield, Tablgraph Dist)
 Q You have no certificate of marriage, or proof of marriage to your second wife? A No sir; none here.
 Q You say you were divorced from her? A Yes sir.
 Q You have no certificate of divorce? A No sir.
 Q Have you always lived here in the Cherokee Nation? A Yes sir.
 Q Do you live here now? A Yes sir.
 Q Did you ever remove to the State of Oklahoma? A No sir; I never did move; I went out there in Oklahoma and stayed out to a while, but all my household plunder and everything was here at home all the time.
 Q Did you take your family with you? A I took my wife; my children were here in school.

By Mr. Joel L. Raugh, Cherokee Representative:

Q Did you take an allotment in the Cherokee outlet country?
 A No sir., I held down eighty acres of land; They allowed me eight acres of land in lieu of my money.
 Q Which provision of that agreement of 1891 did you come under: Those that were living in the Cherokee Nation, or those that were living in the Cherokee outlet country? A All of those that had claims out there for farming purposes were allowed this land.
 Q Which one of those classes did you come under: Those that were residents in the Cherokee Nation, or those that were residents in Oklahoma? A Those that were residents in the Cherokee Nation.

By the Commission:

The name of Michael F. Mayfield appears upon the authenticated roll of 1890: He avers that he was married to one, Missie Sanders, as his first wife, a Cherokee citizen by blood, she being now deceased: He avers that he afterwards married one, Anna Harlow, a white person, but presents no proof of marriage: He avers also that he was divorced from his wife, Anna Harlow, and afterwards married a non citizen, by the name of Ella Harman, and he presents satisfactory proof of marriage to her: He avers that he has two children, one named Thomas N. Mayfield, by his first wife, Missie Sanders, also a Cherokee citizen by blood; and one named Wattle Mayfield by his second wife, Anna Harlow, she was a non citizen.

The name of his last wife, Ellen Mayfield, is found upon the census roll of 1896; also the names of his two children, Thomas N. and Wattle. Satisfactory proof being made as to his residence, and he being duly identified, the said applicant, Michael F. Mayfield, and his son, Thomas N. Mayfield will be duly listed for enrollment as Cherokee citizens by blood.

Because of the fact that no certificate of marriage is presented, or proof of marriage made as to his marriage to his second wife, Anna Harlow, and no proof of divorce presented between himself and the said Anna Harlow; he averring that he is now divorced from her; and the further fact that his child, Wattle Mayfield is not a resident of the Cherokee Nation, final judgment as to the enrollment of his son, Wattle, as a Cherokee citizen by blood, and his wife, Ellen, as a Cherokee citizen by intermarriage, will be suspended, and their names will be placed on a doubtful card, awaiting proof of his marriage to his wife, Anna Harlow, and proof of divorce from his said wife, Anna Harlow, before his marriage to his last wife, Ellen Harman (Mayfield)

The undersigned, being sworn, states that as a stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 19th day of October, 1900.

P. A. Chandler

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THE COMMISSIONER OF THE GENERAL LAND OFFICE
WASHINGTON, D. C.
TO THE SECRETARY OF THE INTERIOR
FROM THE COMMISSIONER OF THE GENERAL LAND OFFICE
DATE OCTOBER 23, 1900

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Supl.-C.D.#637.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 6, 1902.

SUPPLEMENTAL in the matter of the enrollment of ELLEN MAYFIELD,
ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 15, 1902, that her application for the enrollment of herself and stepchild as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902; and that on said day she might appear before the commission either in person or by attorney when an opportunity would be given her to introduce any further testimony affecting her case. The applicant has this day, to-wit: the 6th day of March, 1902, been called and failing to respond either in person or by attorney, it is directed that the case be closed and that the same be reported to the Commission for final decision based upon the evidence now of record.

Mr. W. W. Hastings, Cherokee Representative, present.



Commissioner.

J.O.R.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskegee, Indian Territory, October 7th, 1902.

In the matter of the application of Ellen Mayfield for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of her stepson, Watie Mayfield, as a citizen by blood of the Cherokee Nation.

Supplemental to D-637.

Appearances

Michael F. Mayfield for Applicant.
J. C. Starr for Cherokee Nation.

MICHAEL F. MAYFIELD, being duly sworn, testified as follows:

Examination by the Commission.

- Q. State your full name? A. Michael F. Mayfield.
Q. What is your post office? A. Lenapah.
Q. You are a Cherokee by blood? A. Yes, sir.
Q. How long have you lived in the Cherokee Nation? A. I have been there, I believe I come in '71.
Q. Lived in the Cherokee Nation ever since that time, have you?
A. Yes, sir.
Q. Never lived out? A. No, sir.
Q. What is your wife's name? A. Ellen.
Q. She is a white woman? A. Yes, sir.
Q. Claiming her citizenship through you? A. Yes, sir.
Q. When were you married to her? A. I was married to her in '91, I believe.
Q. Were you ever married before you married Ellen? A. Yes, sir.
Q. Was your first wife dead before you married Ellen? A. Yes, sir.
Q. Was she ever married before she married you? A. No, sir.
Q. You are her first husband? A. Yes, sir.
Q. She is your second wife? A. Third wife.
Q. You were married twice before you married Ellen? A. Yes, sir.
Q. Who was your first wife? A. She was a Sanders.
Q. When were you married to her? A. I believe in '76. I can't keep dates. I have got a record of it at home.
Q. About '76? A. About somewhere along there.
Q. How long did you live with her? A. I lived with her, I believe it was '89.
Q. She died in '89? A. I believe so; about that time.
Q. Then who did you marry? A. I married a Harlow.
Q. What was she, Cherokee or white woman? A. White woman.
Q. How long did you live with her? A. About a year.
Q. Did she die? A. No, sir.
Q. Were you divorced? A. Yes, sir.
Q. Who secured the divorce? A. The court at Tahlequah.
Q. Who sued for the divorce? A. I did.
Q. Did you file a copy of that decree of divorce? A. Yes, sir.
Q. Now, has your wife Ellen been living with you in the Cherokee Nation ever since you married her? A. Yes, sir; ever since.
Q. Never been separated? A. Never have.
Q. Living together at this time? A. Yes, sir.
Q. Did your wife have a child before you married her? A. No, sir.
Q. Who is Watie Mayfield? A. That is by this Harlow woman.
Q. That is your child? A. Yes, sir. I have no children by this last woman.
Q. Watie Mayfield is your child by your second wife? A. Yes, sir.

Q. Have you a certificate of your marriage to your second wife?
 A. Yes, sir.
 Q. Did you file that with the Commission? A. Yes, sir.
 Q. That child Watie is living with you now in the Cherokee Nation?
 A. No, sir; he is with his mamma.
 Q. Where is she living? A. She is near the line. I don't know which side. He is renting in the Osage Nation and Cherokee Nation.
 Q. Has she had that child? A. Yes, sir; I let her keep it until it got large enough.
 Q. Do you know where your second wife has been from the date of your divorce? A. I don't know. I know about. They rent here and there.
 Q. What is her present husband's name? A. Hammond.
 Q. What is his first name? A. Bill.

Examination by Mr. Starr.

Q. Is your second wife's husband a white man? A. Yes, sir.
 Q. How long has this child been living with her? A. It has been with her all the time.
 Q. Where has she been living? A. She has been living around the neighborhood of Tahlequah until about 3 years ago, or two years ago, she moved out.

Examination by the Commission.

Q. When did she marry Hammond? A. I believe the second year after she and I parted, or the first.
 Q. You made application for the enrollment of your child Watie?
 A. Yes, sir. And they required me to get a copy of the divorce and marriage license of the preacher that married us according to the Cherokee rules.
 Q. It will be necessary also to prove that child's residence, as to whether he has been living in the Territory? A. It has been in the Territory and is not; that is in the Osage country. Been there about two years. Moved up in the Osage land.
 Q. Prior to that time where has he been living? A. Near Tahlequah. In the neighborhood of Tahlequah. In Tahlequah district.
 Q. Up to two years ago? A. Yes, sir; about two years ago.
 Q. On June 28th, 1898, where were they living? A. They were here at Tahlequah.
 Q. It is since June, 1898, they have gone up to the Osage Nation, is it? A. Yes, sir.

Examination by Mr. Starr.

Q. How far from Tahlequah was it, where they lived near Tahlequah?
 A. About 5 miles.
 Q. The last two years they have been living in the Territory of Oklahoma? A. Yes, sir; for the last two years. I can't say whether they are this side of the line. They are on this side of the line part of the time or over in the Osage country. They move backwards and forwards; that is the way I understand it.

Examination by the Commission.

Q. Do you know of your own knowledge that they were there in Tahlequah district in June, 1898? A. Yes, sir.
 Q. You are sure of that? A. Yes, sir. 1898? Lets see. I won't be positive. I think they were there.
 Q. That would be four years ago last June? A. I couldn't say positively that they were there.
 Q. You say they have been out in the Osage country only about two years? A. Something about that time.
 Q. Four years ago they were in the Cherokee Nation? A. Yes, sir.
 Q. You are sure of that? A. Yes, sir; to the best of my recollection.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 15th day of November, 1902.

B. C. Jones
Notary Public.

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COMMISSION FOR

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the latter of the application for the enrollment of
Allen Mayfield as a citizen by intermarriage, and Nettie Mayfield as
a citizen by blood of the Cherokee Nation.

DECISION.

The record shows that on October 11, 1900, Michael T.
Mayfield appeared before the Commission at Terrell, Indian Territory,
and made application for the enrollment, among others, of his wife,
Allen Mayfield, and his minor child, Nettie Mayfield. Another pro-
ceeding was had in the latter of said application at Terrell, Indi-
an Territory, on October 7, 1900. The other parties to the applica-
tion are differently classified and are not embraced in this decision.

The evidence shows that Allen Mayfield was lawfully married
on May 27, 1896, to Michael T. Mayfield, a citizen by blood of the
Cherokee Nation.

The said Michael T. Mayfield was born in 1870, and lived with his father at Terrell, which
is in the Cherokee Nation. He was married to a white woman,
and they have a child, Allen Mayfield, who was born prior
to the marriage of Michael T. Mayfield. The record of that
marriage, however, is not in the files of the Commission. Allen Mayfield
was born on May 27, 1896, and is now a minor.

Allen Mayfield was born on May 27, 1896, and is now a minor.
Living with her father, Michael T. Mayfield, since her marriage
to Allen Mayfield, and is now a citizen of the Cherokee Nation.
Allen Mayfield was born on May 27, 1896, and is now a minor.
Allen Mayfield was born on May 27, 1896, and is now a minor.

It is the decision of the Commission that Allen
Mayfield is a citizen of the Cherokee Nation by intermarriage, and that
Nettie Mayfield is a citizen of the Cherokee Nation by blood of the Chero-
kee Nation. The said Allen Mayfield is a citizen of the Cherokee
Nation by blood of the Cherokee Nation, and the said Nettie Mayfield
is a citizen of the Cherokee Nation by blood of the Cherokee Nation.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the

James E. Smith

Commissioner.

Commissioner.

Commissioner.

COMMISSIONERS
HENRY L. DAWES
TAMM DIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AYERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-637.

Muskogee, Indian Territory, January 15, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 15, 1903, granting the application of Michael F. Mayfield for the enrollment of his wife, Ellen Mayfield, as a citizen by intermarriage, and for the enrollment of his minor child, Watie Mayfield, as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Commissioner

Acting Chairman.

Enc. H-13.

N. 637

IN THE MATTER OF THE APPLICATION OF

Ellen Mayfield et al.

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

- A Original testimony Oct 18/00
- B Memo of application Oct 18/00
- C marriage license certificate
- D marriage certificate
- E Certified copy of decree of divorce
- F Notice of final consideration, 3/6/02
- G Order denying testimony

Exhibits as to docket
45-75-

Sum. 125

Cher D 638

Cher D 638

D638

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 18 1900

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., October 1, 1904.

In the matter of the Application of James M. Coker for the enrollment of himself, wife and children as Cherokee citizens; being sworn and examined by Commissioner of the Five Civilized Tribes as follows:

- Q Give me your full name. A James M. Coker.
Q How old are you? A If I make no mistake I was born in 1846 making me 54.
Q What is your post-office? A Coody's Bluff.
Q You live in Government District? A Yes sir.
Q Who do you want to have put on the roll, yourself and family?
A Yes sir.
Q You have a wife? A Yes sir.
Q How many children have you under 21 years of age and unmarried?
A Three.
Q Are you a Cherokee by blood? A Yes sir.
Q What is your wife? A A white woman.
Q How long have you lived in the Cherokee Nation? A Since 1893.
Q How did you get to be a Cherokee citizen; were you admitted by the Cherokee Commission? A Yes sir.
Q Let me see your certificate of admission? A (Produces papers Com'r: The applicant presents official copy of the records of the Cherokee Commission on citizenship showing that in case number 63 March 17th, 1893, James M. Coker was admitted to citizenship by the Cherokee Commission.
Q Did you come here in 1892? A No sir.
Q Came in 1893? A Yes sir, if I remember right it was 1893.
Q And have you lived here ever since? A Yes sir.
Q Now give me your wife's name. A Mary E. Coker.
Q How old is she? A I believe she is 50 years old.
Q When did you marry her? A It has been I reckon 30 years ago.
Q Has she admitted at the time you were? A Her name is not on the certificate.
Q Has she lived with you ever since you married her? A Yes sir.
Q Give me the names of your children? A Joseph.
Q How old is Joseph? A He is 14.
Q How the next one? A Charlie.
Q How old is he? A He is 11.
Q Next one? A Ethel.
Q How old is she? A She is 9.
Q That's all who are under 21 years of age and unmarried?
A Yes sir.
Q These children are all living now? A Yes sir.

Examination by Cherokee Re. 've E.L. Baugh:

- Q You were admitted in 1892, you say. A 1892 I believe it was.
Q You moved here then? A In 1893. If I am not mistaken.
Q Where were you living at the time of your admission?
A In Arkansas.
Q Did you move here or bring your family here and live at any time prior to 1893? A No sir.
Q Why didn't you move here prior to 1893? A I was afraid of my health in this country; there were so many of my connection died here, that's what kept me away.
Q What time in 1893 did you move here? A I believe it was in the spring of 1893.
Q Where were you when the roll of 1894 was made for the purpose of making the strip payment? A I was living on the other side of the river, close to Coody's Bluff.

POOR ORIGINAL -
BEST AVAILABLE COPY

James M. Coker et al 8

Q Had you been apprised of the fact that the Cherokee Nation was going to have a payment, that all of its citizens who were here would get a payment? A Yes sir; I had been apprised of the fact that all the old settlers would get--

Q You came here for that? A I came with the intention of staying.

Q Have you lived here constantly since 1893? A Yes sir.

Q You have never moved out of the country with your family at all? A No sir.

1895 roll page 130 #833 James M. Coker, Cooweescoowee District;

1896 roll page 269 #222 Mary or May E. Coker, Cooweescoowee Dist;

1896 roll page 130 #938 Joseph Coker

1896 roll page 130 #939 Charley Coker

Com'r 1896 roll page 130 #940 Ethel Coker

Q How long had you been here before you drew your Cherokee Strip money? A I don't remember, I guess it was a couple of years, it seems to me like it was, from the time the rolls was made until we drawed the money.

Q I asked you how long you had been here before you drew the money? A I can't be positive about it, I believe it was about 2 years.

Q How long had you been here when you got the children's names put on the 1894 pay roll for the Strip money? A I don't remember; it wasn't a great while though.

Q Where did you go after you drew your strip money? A We was living out here about Chelsea.

Q Did you go out of the Cherokee Nation? A No sir.

Q Did you go outside of the Cherokee Nation after you draw your Strip money? A Only on a visit.

Q How long did you stay? A I staid about two weeks one time, and I went up to Coffeyville and staid two or three hours once; that's all the time I have been out.

Q Have you got a farm in the Cherokee Nation? A Yes sir.

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and three children; he is shown by the authenticated certificate cited in the testimony to have been admitted to citizenship in 1882; he states that he came to the Cherokee Nation before the roll for the Cherokee Strip payment was made in 1893, or the spring of 1894, and that he has lived in the Cherokee Nation ever since; he is identified on the roll of 1896; the Cherokee Commissioner present protests against his enrollment, upon the grounds indicated in the testimony, and the case will be held under advisement for further consideration, and will be placed at present upon a doubtful card. His three children named in the testimony are all ~~identified~~ minors; they are living at this time, and are identified on the roll of 1896; they will be ~~placed~~ classed as Cherokees by blood, and the application for their enrollment will be placed upon a doubtful card, for further consideration. The applicant states that he married his wife some thirty years ago; that she came with him when he came to the Cherokee Nation, and has lived with him ever since their marriage; her name is not upon the certificate of admission, and he states that she was not admitted by name; it is contained in the testimony that she was not married in accordance with Cherokee law, that she is not a citizen under the admission of her husband; these are the circumstances attending the applicant's wife, and the application for her enrollment it will be held under advisement, she being classed as a Cherokee by adoption; she is identified with her husband and children on the roll of 1896; the final conclusion of the Commission will be communicated to the applicant at his post-office address.

H. D. Green, being first duly sworn states that as stenographer to

James H. Coker et al 8

Q Had you been apprised of the fact that the Cherokee Nation was going to have a payment, that all of its citizens who were here would get a payment? A Yes sir, I had been apprised of the fact that all the old settlers would get--

Q You came here for that? A I came with the intention of staying.

Q Have you lived here constantly since 1893? A Yes sir.

Q You have never moved out of the country with your family at all? A No sir.

1896 roll page 130 #937 James H. Coker, Cooweescoowee District;

1896 roll page 269 #222 Mary or Kay E. Coker, Cooweescoowee Dist;

1896 roll page 130 #938 Joseph Coker

1896 roll page 130 #939 Charley Coker

Com'r 1896 roll page 130 #940 Ethel Coker

Q How long had you been here before you drew your Cherokee Strip money? A I don't remember, I guess it was a couple of years, it seems to me like it was, from the time the rolls was made until we drew the money.

Q I asked you how long you had been here before you drew the money? A I can't be positive about it, I believe it was about 2 years.

Q How long had you been here when you got the children's names put on the 1894 pay roll for the Strip money? A I don't remember; it wasn't a great while though.

Q Where did you go after you draw your strip money? A We was living out here about Chelsea.

Q Did you go out of the Cherokee Nation? A No sir.

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Q How long did you stay? A I staid about two weeks one time, and I went up to Coffeyville and staid two or three hours once; that's all the time I have been out.

Q Have you got a farm in the Cherokee Nation? A Yes sir.

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and three children; he is shown by the authenticated certificate cited in the testimony to have been admitted to citizenship in 1892; he states that he came to the Cherokee Nation before the roll for the Cherokee Strip payment was made in 1893, or the spring of 1894, and that he has lived in the Cherokee Nation ever since; he is identified on the roll of 1896; the Cherokee Commissioner present protests against his enrollment, upon the grounds indicated in the testimony, and the case will be held under advisement for further consideration, and will be placed at present upon a doubtful card. His three children named in the testimony are all ~~identified~~ minors; they are living at this time, and are identified on the roll of 1896; they will be ~~placed~~ classed as Cherokees by blood, and the application for their enrollment will be placed upon a doubtful card, for further consideration. The applicant states that he married his wife some thirty years ago; that she came with him when he came to the Cherokee Nation, and has lived with him ever since their marriage; her name is not upon the certificate of admission, and he states that she was not admitted by name; it is contended by the Cherokee representatives that ~~the~~ the wife is not named in the certificate and was not been ~~married~~ married in accordance with Cherokee law, that she is not a ~~citizen~~ citizen under the admission of her husband; these are the circumstances attending the applicant's wife, and the application for her enrollment it will be held under advisement, she being classed as a Cherokee by adoption; she is identified with her husband and children on the roll of 1896; the final conclusion of the Commission will be communicated to the applicant at his post-office address.

M. D. Green, being first duly sworn states that as stenographer to

the Commission to the Five Civil Tribes has been correctly recorded
the testimony and proceedings in the case and that the foregoing is
a true and complete transcript of his deposition as taken thereon

Subscribed and sworn to before me this 16th day of October 1900



Commissioner

2638

CONFIDENTIAL

Enclosure: 1. Envelope for Petition for Habeas Corpus, dated November 1, 1960.

2. Certificate of Probation of the Petitioner, dated November 1, 1960.
3. Affidavit of the Petitioner, dated November 1, 1960.
4. Affidavit of the Petitioner, dated November 1, 1960.
5. Affidavit of the Petitioner, dated November 1, 1960.
6. Affidavit of the Petitioner, dated November 1, 1960.
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12. Affidavit of the Petitioner, dated November 1, 1960.
13. Affidavit of the Petitioner, dated November 1, 1960.
14. Affidavit of the Petitioner, dated November 1, 1960.
15. Affidavit of the Petitioner, dated November 1, 1960.

RECEIVED
CONFIDENTIAL

U.S. Marshal, District of Columbia, Washington, D.C. 20535.

NOV 2 1960

U.S. Marshal, District of Columbia, Washington, D.C. 20535.

COMMISSION

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I. T. November, 21st, 1900.

In the matter of the application of James M. Geyer, applicant.
D. No. 1, James M. Geyer being sworn testified as follows.

BY CHEROKEE REPRESENTATIVE STARR.

- Q What is your name? A. James M. Geyer.
Q What is your post office address? A. Goodies Bluff.
Q Give me the date of your marriage to your present wife? A. I cannot do it.
Q Were you admitted to Cherokee citizenship after you were married to her or before? A. I was married before I was admitted.
Q Were you ever re-married after your admission? A. No sir.

Chas. von Velze, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 26th of November, 1900

Chas von Velze
MD Green
Commissioner.

D638

SECTION TO THE FIVE CIVILIZ

FILED

MAR 31 1902

[Handwritten signature]

CASE NO. 1902-10. HALL: also a brief in the eyes of

C. D-638

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 5, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application of James M. Coker for the enrollment of himself, wife and children; in the matter of the application of Charles H. Reinhardt, (D-623) for the enrollment of himself and wife; Crate Coker, (D-639) for the enrollment of himself and child; and Ada F. Barr, (D-859) for the enrollment of herself, as Cherokee citizens.

Appearances:

E.B. Lawson, Nowata, I. T., attorney for applicants;
W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: James M. Coker was notified by registered letter February 15th, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this day, appears by his attorney, E.B. Lawson, of Nowata, Indian Territory, and by agreement with the representative of the Cherokee Nation the case is taken up for final consideration this the 5th day of March, 1902.

D-623:

James H. Reinhardt was notified by registered letter February 13th, 1902, that his application for the enrollment of himself and wife as citizens of the Cherokee Nation would be taken up by the Commission for final consideration at its offices in Muskogee, Indian Territory, on the 5th day of March, 1902; receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: the 5th day of March, 1902, appears by his attorney, E.B. Lawson, Nowata, I.T.

D-659:

The applicant, Crate Coker, was notified by registered letter February 15th, 1902, that his application for the enrollment of himself and child as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902; receipt has been acknowledged of the Commission's letter; and the applicant this day, to-wit: the 5th day of March, 1902, appears by his attorney, E.B. Lawson, Nowata, Indian Territory, and by agreement the case is taken up for final consideration.

D-859:

The applicant, Ada F. Barr, was notified by registered letter February 19th, 1902, that her application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 11th day of March, 1902; receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: the 5th day of March, 1902, appears by her attorney, E.B. Lawson, and by agreement the case is taken up for final consideration.

BY MR. LAWSON: In the first place I desire to call attention to the fact that in the application of Reinhardt and Barr, it seems that the states that James M. Coker was admitted to citizenship in 1881, and that in the case of Crate Coker, and James M. Coker, the said James M. Coker was admitted to citizenship in 1882. I desire merely to call attention to this fact to have the matter corrected, and to show that the cor-

tificate of admission of James M. Coker bears date of September 24th, 1881.

MARY ELIZABETH COKER, being first duly sworn and being examined testified as follows:

BY MR. LAWSON:

- Q State your name? A My full name is Mary Elizabeth Coker.
Q Where do you live? A At the present time?
Q Yes ma'am? A At Coody's Bluff, Cherokee Nation.
Q Are you the wife of James M. Coker? A Yes sir.
Q When were you married to James M. Coker? A In '71.
Q Where were you married? A Arkansas.
Q What county? A Marion County.
Q You were married in Marion County in the State of Arkansas in 1871? A Yes sir.

BY MR. LAWSON: I desire to file the affidavit of the clerk of Marion County, stating that the marriage records of that county for 1870 and 1871 cannot be obtained, or a certificate cannot be shown of those marriage records, for the reason that the records were burned.

BY COMMISSION: Document referred to was received by the Commission on the 8th day of December, 1900, and has been made part of the record in the case of James M. Coker, et al.

- Q Have you been living with James M. Coker as his wife ever since you married in 1871? A Yes sir.

Mrs. Coker, do you know when your husband came to the Cherokee Nation, that is, removed here? A He moved here in 1893.

- Q Who came with him at that time? A Why there was a man came in the wagon by the name of out withus by the name of Scott.

Q Did your family come at that time? A Yes sir.

Q Name the family? A Mary Ann Coker, Craton Coker, Ida May Coker, Ada Coker, Joseph Coker, Charles Coker and Ethel Coker and myself.

Q Since 1893 where have you and all of the family just mentioned by you been living? A We lived two years near Chelsea; then we moved to the place we are living on now, near Coody's Bluff.

Q I will ask you if you and all the family that you have just mentioned have lived in the Cherokee Nation since 1893? A Well have lived here all the time since that.

Q Now what children were born to you before you came to the Cherokee Nation, name them? A Mary Ann Coker and Craton Coker and Ida May Coker and Ada Coker and Joseph Coker and James Coker and Ethel Coker.

Q All born before you came here? A Yes sir.

Q Now are any of these daughters married? A I have got two married daughters now.

Q What are their names? A Ada F. Barr, she is now; and Mary Ann Reinhardt.

Q Is Mary Ann Reinhardt the wife of Charles H. Reinhardt? A Yes sir.

Q I will ask you Mrs. Coker if you know whether or not Mr. Coker and these children drew the Strip money in the year 1894? A Yes sir.

BY COMMISSION:

Q Were any of these children married prior to 1894? A No sir.

Q They were all single then? A Yes sir.

BY MR. LAWSON: They were denied the payment in 1894, and the Cherokee Council met in November of the same year, and the bill was introduced appropriating the money.

1894 pay roll of citizens of the Cherokee Nation examined for all of applicants and their names not found thereon.

BY MR. LAWSON: I will state here that the reason I have not that certificate was that I was informed by the Executive Secretary of the Cherokee Nation, at Tahlequah, that it was in the hands of the Dawes Commission, and that he could not give

us the certificate; that was a mistake, and I will get that later on.

I believe that is all I care to introduce.

BY MR. HASTINGS: (Waives cross-examination.)

BY MR. LAWSON:

I have my briefs prepared, and I desire also to file a certified copy showing that this money was paid to these parties in 1894; and desire it to be made part of the records in all of these cases.

BY COMMISSION: The attorney for the applicant will be granted ten days in which to file a certified copy of the act referred to.

The attorney for the applicants files in the case of the application of Grate Coker, a brief; also a brief in the case of Ada F. Barr; also a brief in the case of Charles Reinhardt; and in the case of James M. Coker.

BY COMMISSION OF MR LAWSON: Do you, in behalf of the various applicants mentioned herein submit the case to the Commission? A Yes sir.

Q Do you submit, Mr. Hastings? A Yes sir.

BY COMMISSION: The attorney in behalf of the applicants and the attorney in behalf of the Cherokee Nation present submit the case; same is deemed completed, and will be reported to the Commission for final decision, based upon the evidence now of record in addition to the certified copy of the act of Council to be filed within ten days by the attorney for the applicants.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D. Green

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DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 7th, 1902.

In the matter of the application of James M. Coker for the enrollment of himself as a citizen by blood of the Cherokee Nation; for the enrollment of his wife, Mary E. Coker, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his children, Joseph, Charles and Ethel Coker, as citizens by blood of the Cherokee Nation.

Supplemental to #D-638.

Applicant appears in person.
Cherokee Nation by J. C. Starr.

JAMES M. COKER, being duly sworn, testified as follows.

Examination by the Commission.

- Q. State your name? A. James M. Coker.
Q. What is your post office? A. Goody's Bluff, Cherokee Nation.
Q. You are a Cherokee by blood, are you? A. Yes, sir.
Q. How long have you been living in the Cherokee Nation?
A. Since '93.
Q. Were you admitted to citizenship? A. Yes, sir.
Q. When? A. In 1882 I believe it was.
Q. When did you come to the Cherokee Nation first?
A. With all my effects?
Q. Yes, sir. A. In '93.
Q. Been living here continuously since that time? A. Yes, sir.
Q. What is your wife's name? A. Mary E.
Q. Is she a white woman? A. Yes, sir.
Q. Is she living? A. Yes, sir.
Q. Claims citizenship through you, does she? A. Yes, sir.
Q. Is she your first wife? A. Yes, sir.
Q. Are you her first husband? A. Yes, sir.
Q. Neither of you been married before? A. No, sir.
Q. When were you married? A. 32 years--1870, I believe it was.
Q. You were married in the states? A. Yes, sir.
Q. Has she been living with you in the Cherokee Nation ever since you came? A. Yes, sir.
Q. Living with you at this time? A. Yes, sir.
Q. Never been separated? A. No, sir.
Q. How many children have you? A. Six living.
Q. What are their names? A. The oldest one of Mary A., next oldest Crayton, Ada F., Joseph, Charley and Ethel.
Q. Are the three older children over 21? A. Two of them.
Q. One of them I don't know. What does she have to be, 18?
Q. Yes. A. She is over 18, she is married.
Q. She is married, the oldest? A. Yes, sir; three married.
Q. Three marriage, three at home.
Q. Married at the time you made application? A. Yes, sir; two of them was--yes, three of them.
Q. The three youngest are living with you and your wife in the Cherokee Nation? A. Yes, sir.
Q. Did you file the act of the Cherokee National Council admitting you to citizenship? A. The attorney did, I suppose.
Q. You had an attorney? A. Yes, sir.
Q. Representing you when you made application? A. Oh, no.
Q. When you made application two years ago? A. Oh, yes; he presented my citizenship papers.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 15th day of November, 1902.

Be Jones
Notary Public.

Before the Honorable Dawes Commission, sitting at Muskogee, I. T.

In the matter of the application for enrollment of James M. Coker and others.

Brief, on the part of Applicants.

Come now James M. Coker, Mary E. Coker, Joseph Coker, Charley Coker and Ethel Coker, by their attorney of record, E. B. Lawson, and represents to this Commission that Applicant, James M. Coker was admitted by the Cherokee Commission at Tahlequah, I. T. as a citizen of the Cherokee Nation in September 1881; that Mary E. Coker is the wife of James M. Coker and was his wife at the time of his admission into the Cherokee Nation; that Joseph, Charley and Ethel Coker, are minor children of James M. Coker and Mary E. Coker and were born after the admission of James M. Coker as a citizen of the Cherokee Nation.

The evidence in this case shows that Mary E. Coker is a white woman and that James M. Coker, Mary E. Coker have been married for more than 30 years and have always been looked upon as man and wife.

No Certificate of marriage can be filed for the reason that said record of certificate was burned as shown by the certificate of the Clerk, of _____ County, State of Arkansas, filed herein.

James M. Coker and in fact all the Applicants moved into the Cherokee Nation in 1893, and have since lived in the said Cherokee Nation.

The attention of the Commission is called to the fact that there was no restrictions of any kind placed the admission of James M. Coker to citizenship in the Cherokee Nation, but that he was admitted unconditionally.

Under the Cherokee Law any marriage whatever between a Cherokee man and a white woman was recognized by the Cherokee Authorities and a marriage of this kind was wholly different from a marriage between a white man and a Cherokee woman, as will be shown by the Cherokee Laws relating to marriages.

The evidence shows that the Cherokee authorities have always recognized James M. Coker and the other Applicants as Cherokee Citizens and have paid them money as Cherokee Citizens and have always enrolled them as such.

It is contended by the applicants that the health of James M. Coker between the year 1881 and 1893 was very poor and that he was afraid to come to the Cherokee Nation for that reason.

Our contention in this matter is, that James M. Coker was lawfully

admitted as a Citizen of the Cherokee Nation, and has always been recognized as such, and that he was lawfully married to the Applicant, Mary E. Coker, and that the other applicants are their children and Citizens by blood of the Cherokee Nation.

The only contention that can be urged by the Cherokee Representatives against the admission of the applicants is that they failed to move to the Cherokee Nation for a number of years after the admission of the Father, James M. Coker to Citizenship, but certainly this contention can not be urged against the applicant, Mary E. Coker and the other three applicants who are still minors, for the reasons that the wife and children are dependant on the Father, James M. Coker, and under the Law are required to live with him.

Applicant ~~James~~ James M. Coker, was admitted to Citizenship conditionally, and the applicants Joseph, Charley and Ethel Coker could not have been admitted when their Father was for the reason that they were not born.

At the adoption of the Curtis Bill in June 1898 evidence shows Applicants were living in the Cherokee Nation on their farm in compliance with Law.

In the case of John Elk, plaintiff in error VS Charles Wilkins, 112 U. S. Supreme Court reports page 643 it is held, that an Indian by blood does not lose his Citizenship rights as an Indian and his rights in the tribe by removing from his Nation or the Nation of which he is a member, and we contend that applicants have lost no rights whatever in not removing to the Cherokee Nation prior to 1893.

Attorney for applicants.

Cherokee B. 234.

In the matter of the appli-
cation of James M. Soker et
al for enrollment as citizens
of the Cherokee Nation.

Brief of the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.

In the matter of the application of
James M. Coker et al for enrollment
as citizens of the Cherokee Nation.

Cherokee D. 630.

BRIEF ON THE PART OF THE CHEROKEE NATION.

The testimony in this case shows that the applicant, James M. Coker, was admitted to citizenship in the Cherokee Nation in the year 1881; that he was at that time a citizen and resident of the state of Arkansas; that previous to that time he had married his present wife; that some of his children had been previously born, and that he never removed to the Cherokee Nation until 1893, a year before the Strip Payment in 1894, but two questions present themselves to the Commission: The first being: "Whether or not the applicant having been admitted in 1881 did not by his twelve years continuous residence in the state of Arkansas before his removal to the Cherokee Nation, did not forfeit his right to citizenship in the Cherokee Nation if he ever perfected any; and Second, whether his wife, who married him in the state of Arkansas prior to his admission is entitled to enrollment as a citizen of the Cherokee Nation by inter-marriage? We have argued this question in quite a number of other cases, but we desire to insist still upon our contention that her marriage to him did not confer any rights upon her, and that his subsequent admission did not confer any rights of citizenship upon her. We do not see how that the Commission can enroll the applicant, James M. Coker, because he admits in his testimony that he did not remove to the Cherokee Nation for twelve years after he was readmitted to citizenship. The citizenship of the children must of necessity follow that of the father, and ^{if} after he is admitted, certainly the Commission can admit them.

Respectfully submitted,

W. M. Watkins

Attorney for the Cherokee Nation.

8

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James M. Coker et al. for
enrollment as Cherokee citizens, consolidating the applications of:

James M. Coker et al.	Cherokee D-638,
Crate Coker et al.	Cherokee D-639,
Ada F. Barr	Cherokee D-859,
Charles H. Reinhardt et al.	Cherokee D-623.
:: :: :: :: :: :: :: :: :: ::	

DECISION.

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The record in these several cases shows that the following named applicants appeared before the Commission at the places hereinafter designated and made personal application for the enrollment of the following named persons as Cherokee citizens:

On October 18, 1900, James M. Coker appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of himself and his minor children, Joseph, Charles and Ethel Coker, as citizens by blood, and for the enrollment of his wife, Mary E. Coker, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Chelsea, Indian Territory, on November 21, 1900, and at Muskogee, Indian Territory, on March 5, and October 7, 1902.

On October 18, 1900, Crate Coker appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of himself and his minor child, Luella I. Coker, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 5, 1902. On March 6, 1902, a birth affidavit was filed with the Commission from which it appears that a second child, who has been named Floyd, was born to the said Crate Coker since the date of the original application.

On November 21, 1900, Ada F. Barr appeared before the Commission at Chelsea, Indian Territory, and made application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 5, 1902. On October 31, 1902, a birth affidavit was filed for James William Barr, a child of the applicant, born since the date of the original application.

On October 17, 1900, Charles H. Reinhardt appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Mary Reinhardt, as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 5, and October 1, 1902.

The records of the Cherokee Nation in possession of the Commission show that the said James M. Coker was admitted to citizenship in said Nation by the duly constituted authorities thereof on March 17, 1882.

The evidence further shows that the said Mary E. Coker was married to said James M. Coker in 1871. The Cherokee Supreme Court, in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson, held that a white woman, married to a Cherokee Indian at the time of his admission to citizenship, acquires thereby the rights of Cherokee citizenship. Joseph, Charles and Ethel Coker are the children of said James M. Coker and his wife, Mary E. Coker, and they, together with their parents, are identified on the Cherokee Census Roll of 1896.

The evidence further shows that the said Crate Coker is the son of the said James M. and Mary E. Coker, and that he was a minor at the time of his father's admission to citizenship. He is identified on the Cherokee Census Roll of 1896.

The evidence further shows that the said Crate Coker was lawfully married on November 12, 1897, to Maggie Mortimer, a white woman. The children, Luella I. and Floyd Coker, are the issue of that marriage, and they are identified by birth affidavits, made a part of this record.

The evidence further shows that the said Ada F. Barr is the child of the said James M. and Mary E. Coker, and that she was a minor at the date of her father's admission to citizenship. She is identified on the Cherokee Census Roll of 1896. Her child, James William Barr, is identified by a birth affidavit, made a part of this record.

The evidence further shows that Charles H. Reinhardt, a white man, was married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on February 14, 1889, to Kinney Lambert, a citizen by blood of the Cherokee Nation, who is now deceased.

Section twenty-one of the Act of Congress approved June 23, 1898, (30 Stats. 495) provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

Section 666 of the Compiled Laws of the Cherokee Nation (1892) is as follows:

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

It appears that Charles H. Reinhardt acquired citizenship by virtue of his marriage to his first wife, Kinney, and that, subsequent to her death, he married Mary Coker, a daughter of the said James M. and Mary E. Coker, who was a minor at the date of her father's admission to citizenship. The said Charles H. Reinhardt and Mary Reinhardt are identified on the Cherokee Census Roll of 1896.

The evidence shows that the said James M. and Mary E. Coker and their children for whom application is made herein removed to the Cherokee Nation in 1893, and have continuously resided, and lived together in said Nation, since that time; that the said Charles H. Reinhardt lived with his first wife, Kinney Reinhardt, in the Cherokee Nation until her death; that he has continuously resided in said Nation since that time, and it is considered that the residence of the said Joseph, Charles, Ethel, Luella I. and Floyd Coker has been, since their birth, that of their parents.

It is, therefore, the opinion of this Commission that James H. Coker, Joseph Coker, Charles Coker, Ethel Coker, Grate Coker, Luella I. Coker, Floyd Coker, Ada E. Barr, James William Barr and Mary Reinhardt should be enrolled as citizens by blood, and that Mary H. Coker and Charles E. Reinhardt should be enrolled as citizens by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 26, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tame Dixby

Acting Chairman.

(SIGNED).

T. E. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

Dated at Muskogee, Indian Territory,

this MAR - 2 1903

E C M

Cherokee 10219.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
MARY E. COKER as a citizen by intermarriage of the Cherokee
Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Nowata, Indian Territory, October 18, 1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of Mary E. Coker as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Chelsea, Indian Territory, November 21, 1900 and at Muskogee, Indian Territory, March 5, 1902 and October 7, 1902 and January 2, 1907. The records further show that on March 2, 1903 the Commission to the Five Civilized Tribes rendered its decision herein granting said applicant the right to enrollment as a citizen by intermarriage of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Mary E. Coker, is a white woman and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than such right as she may have acquired by virtue of her marriage to one James Coker in the State of Arkansas, October 5, 1871; that said James M. Coker was not at the time of said marriage a recognized citizen by blood of the Cherokee Nation and did not become a citizen of said Nation until his admission to citizenship therein by the duly constituted authorities of said Nation September 24, 1881; Said applicant did not, therefore, marry a citizen by blood of the Cherokee Nation prior to November 1, 1878. Neither the applicant herein, Mary E. Coker, nor her husband, the said James M. Coker, can be identified on the Cherokee authenticated tribal roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That the decision rendered by the Commission to the Five Civilized Tribes, March 2, 1903, granting the application for the enrollment of Mary E. Coker as a citizen by intermarriage of the Cherokee Nation, be rescinded, set aside and held for naught, and that in accordance with the decision of the Supreme Court of the United States dated November 8, 1906 in the cases of Daniel Red Bird, et al. vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Mary E. Coker, is not entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly denied.

SIGNED: _____
Commissioner.

Dated at Muskogee, Indian Territory

this _____.

COMMISSIONER
J. W. HASTINGS
U. S. DEPARTMENT OF THE INTERIOR
WASHINGTON, D. C.

JOHN L. AYLSWORTH
CLERK

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee
D-638, D-639,
D-859 & D-623.

Muskogee, Indian Territory, March 12, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, granting the application of James M. Coker for the enrollment of himself and his minor children, Joseph, Charles and Ethel Coker, as citizens by blood, and for the enrollment of his wife, Mary E. Coker, as a citizen by intermarriage; the application of Crate Coker for the enrollment of himself and his minor children, Luella I. and Floyd Coker, as citizens by blood; the application of Ada F. Barr for the enrollment of herself and minor child, James William Barr, as citizens by blood; and the application of Charles H. Reinhardt for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Mary Reinhardt, as a citizen by blood, of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the

-2-

applicants. If you fail to file protest within the time allowed,
this decision will be considered final.

A handwritten signature, possibly "J. H. ...", written in dark ink. The signature is slanted and appears to be a cursive or semi-cursive style.

Chairman.

Enc. M-222

REFER IN REPLY TO THE FOLLOWING:

Cherokee 10219

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 8, 1907

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory,

Dear Sir:

There is enclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 8, 1907, rejecting the application for the enrollment of Mary E. Coker, as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Commissioner.

Enc I-31
RPI

1163

IN THE MATTER OF THE APPLICATION OF

James M. Coker et al.

FOR ENROLLMENT AS

CHEROKEE CITIZENS

A Original testimony Oct 18/00

B Memo of application Oct 18/00

C Certified copy of certificate of admission

D Supplemental testimony Nov 21/00

E Certificate of clerk as to destruction of
marriage certificate

F Affidavit of R. K. Adair member of
Council

G Notice of final consideration 3/6/02

Receipt for

to the court

certified as being an act of the court

to the law

stuff moving

E.

Cher D 639

Cher D 639

8639

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE NINE COMBINED TRIBES.

OCT 18 1868

JOSEPH CHAPMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., October 13, 1900.

In the matter of the application of Crate Coker for the enrollment of himself and child as Cherokee citizens; being sworn and examined by Commissioner Breckinridge he testified as follows:

- Q Give me your full name? A Crate Coker.
Q How old are you? A 24 years old.
Q What is your post-office? A Coffeyville, Kansas.
Q Do you live in Cowascoochee District? A Yes sir.
Q Who do you want to put on the rolls? Just yourself? A And my baby.
Q You don't apply for your wife? A No sir.
Q One child? A Yes sir.
Q How long have you lived in the Cherokee Nation? A I don't know exactly, about 7 or 8 years.
Q Your father was admitted to citizenship by the Cherokee Commission wasn't he? A Yes sir. Why, dogged if I could tell you myself.
Q But that's what you have heard? A Yes sir, I think so.
The applicant presents an official copy of the records of the Cherokee Commission on citizenship, ~~dated December 17th 1892~~ showing that on March 17th 1892, James M. Coker was admitted to citizenship by the Cherokee Commission; this is accepted as official evidence of the facts stated.
Q How that James M. Coker is your father? A Yes sir.
Q You came here when your father came? A Yes sir.
Q And have lived here ever since? A Yes sir.
Q And have lived here for seven or eight years? A Yes sir.
Q Give me the name of your child? A Luella Ione. (Produces certificate)
Q A year old? A Yes sir.
Q When were you married? A I have been married three years the 12th of last September.
Q Have you a certificate of your marriage? A Yes sir. (Produces papers)
Com'r: The applicant presents certificate showing that she was married to Miss Maggie Mortimer, by the Rev. C. C. Mann on the 12th of September 1897; this is filed herewith.
Q How many times had you been married before you married this time? A I hadn't been married at all.
Q And of course your wife was never married before? A No sir.
Q Your wife has lived with you ever since you and she were married? A Yes sir.
Q Your wife is a white woman, is she? A Yes sir.
1396 roll page 130 #935 as Grayton Coker, Cowascoochee District;

Com'r Breckinridge: The applicant applies for the enrollment of himself and one child; it is shown that his father was admitted to Cherokee citizenship in 1892, and the applicant states that he came with his father and the balance of the family seven or eight years ago, and that he has lived in the Cherokee Nation ever since; he was a minor at the time of his father's admission, and at the time he came to the Cherokee Nation, being now 24 years of age; he is identified on the roll of 1897 as a native Cherokee; the Cherokee representative present has objected to the enrollment of all members of this family, upon the grounds of unusual and presumably unlawful delay in their availing themselves of the permission of assuming the rights of citizenship; for the further consideration of this point the applicant will now be placed upon a doubtful card as a Cherokee by blood, and the final decision of the Commission will be made known to him when it is rendered;
He swears by the marriage certificate filed herewith that he mar-

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BEST AVAILABLE COPY

ried his wife in September, 1887; he has since then been married
ried before; she is a white woman and was born in the State of
enrollment; when he files certificate of birth of his child
named in the testimony, this child will be registered as a Cherokee
by blood upon a doubtful part with her mother.

H. D. Green, being first duly sworn, states that as stenographer to
the Commission to the Five Civilized Tribes he correctly recorded
the testimony and proceedings in this case and that the foregoing is
a true and complete transcript of his stenographic notes thereof.

H. D. Green

Subscribed and sworn to before me this 18th day of October 1900.

J. A. [Signature]
Commissioner.

5000

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500 5th Ave. New York 17, N.Y.

1900

Chero. D-639

BE IT ENACTED BY THE NATION

nted out of any money and... funds - to pay... of the... their pro... of... and the... is hereby author- ized to issue warrants for the same.

No.	Name	Age	Sex
1	Rosetta Hunt	18	Female
	# # # # #		
60	James M. Coker	46	Male
61	Mary Ann Coker	18	Female
62	Crayton Coker	17	Male
63	Ida Coker	18	Female
64	Ada Coker	18	Female
65	Joseph Coker	9	Male
66	Charles Coker	7	Male
67	Ethel Coker	4	Female

Passed the Senate Nov. 28th 1894.
J. C. Starr,
Clk. of Senate

Roach Young,
President Pro Tem.

Concurred in by Council Nov. 30th 1894, with the following amendments, strike out the name of,

1	Sallie M. Barnes	15	Joel Quinton
2	Pauline Shannon	16	Jennie Quinton
3	Daisy Shannon	17	Lula Brown
4	Lucy Shannon	18	Helia Brown
5	Floyd Shannon	19	John Brown
6	Sallie H. Shannon	20	Adnie Brown
7	Rebecca Weldon	21	Lu is Brown
8	Belle West	22	Annie Brown
9	Hettie West	23	Willie Brown
10	Viola Weldon	24	Lottie Brown
11	Robert Lee Weldon	25	Florence Brown
12	Julie Quinton	26	Beulah Brown
13	Elizabeth Quinton		
14	Frank Quinton		

J. H. Dick
Clk of Council

V. Gray
Speaker of Council Pro tem.

Concurred in by Senate Dec 1st 1894
G. W. Willey
Clk. of Senate

M. V. Benge
President of Senate pro tem.

Approved Dec 5th 1894

O. J. Harris, Prin. Chief C.M.

Executive Office,

Cherokee Nation, Tahlequah, I.T.

I, B.W. Albany, do hereby certify that the above is a true copy from the record of Laws of the Cherokee Nation 1893- 1896 which is now in my legal custody.

Given under my hand and the seal of this office this March 10th 1903.
(SEAL)

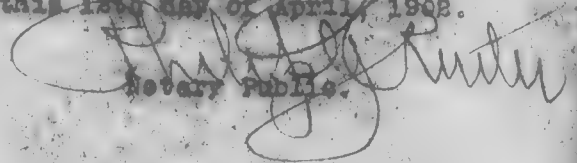
(Signed)

B. W. Albany
Assistant Executive Secretary
Cherokee Nation.

The undersigned, being duly sworn, states that as stated relative to the Commission to the Five Civilized Tribes he made the above copy and that the same is a true and correct copy of the copy filed in D-538.



Subscribed and sworn to before me this 13th day of April, 1908.


Notary Public.

Before the Honorable Dawes Commission, sitting at Muskogee,
In the matter of the application for enrollement as Citizen of the
Cherokee Nation, of Grate Coker, et al.

Applicants Brief.

Applicant Grate Coker would represent that he is the son of James
M. Coker, who was admitted to Citizenship in September 1881 by the Cherokee
Commission; that at the time of his fathers admission as a Citizen
of the Cherokee Nation he was only 3 or 4 years old; that applicant
has lived in the Cherokee Nation since 1893.

It is not contended by the Cherokee Nation that the admission of
the Father, James M. Coker did not admit to Citizenship the applicant,
Grate Coker, and the only contention of the Cherokee Nation against
the enrollment of applicants is that James M. Coker and family should
have removed to the Cherokee Nation before they did.

Even this contention could not be successfully urged against this
applicant as he was a minor only 15 years old when he did come to the
Cherokee Nation, and we think now as the applicant has been recognized
by the Cherokee Nation ever since they were admitted to Citizenship that
the Cherokee Nation would be barred by the Statute of Limitations from
disputing any of the claims of this family.

It must be remembered that James M. Coker was admitted to Citizenship
in the Cherokee Nation unconditionally and in fact was not required under
any Law to remove to the said Nation within any specified time.

For the reasons stated herein we believe that the applicants are
entitled to enrollment as Cherokee Citizens.

Attorney for applicants.

Cherokee 2. 620.

**In the matter of the application
of Grate Suter et al for enroll-
ment as a citizen of the
Cherokee Nation.**

Brief of the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes.

Muskogee, I. T. May, 8, 1902.

In the matter of the application of
Grate Coker et al for enrollment as a
citizen of the Cherokee Nation.

Cherokee D. 638.

Brief of the Cherokee Nation.

The testimony shows that the father of Grate Coker, James M. Coker, was admitted to citizenship in the Cherokee Nation in September, 1881, but did not remove to the Cherokee Nation until 1893, or twelve years after he was readmitted to citizenship. The father of the applicant is enrolled on Doubtful Card No. D. 638, to which reference is made.

Respectfully submitted,

J W Hastings
Attorney for the Cherokee Nation.

63
IN THE MATTER OF THE APPLICATION OF

Crate Coker et al.

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony Oct 18/00

B Memo of application Oct 18/00

C Certificate of marriage

D Birth certificate, Luella J. Coker.

E Notice of final consideration, 3/16/02

F Court for testimony

G Brief of opinion

H Birth affidavit David Coker

E

Cher D 640 .

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 22 1900


ACTING CHAIRMAN

Doubtful as to applicant.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., October 14, 1900.

In the matter of the application of Mamie Jane Rogers for the enrollment of herself, husband and children as Cherokee citizens, being sworn and examined by Commissioner Brockbridge and testified as follows:

Q Give me your full name? A Mamie Jane Rogers.
Q How old are you? A I am 40 years old.
Q What is your post-office? A Nowata.
Q You live in Nowata, Cherokee District do you? A Yes sir.
Q Who do you want to have put on the roll? A Myself and family.
Q Have you a husband? A Yes sir.
Q And how many children? A I have three children.
Q Are you a Cherokee by blood? A No sir, my husband is a Cherokee.
Q How long have you lived in the Cherokee Nation? A 17 years this coming January. We came here in 1884.
Q What is the name of your husband? A Jackson Rogers.
Q How old is he? A He is 47.
Q When were you married to him? A I was married to him in 1878.
Q Have you ever married except to him? A No sir.
Q Is he living at this time? A Yes sir.
Q Where is he? A He is out there about the door, would you have him?
Com'r: No.
Q You and he have lived in the Cherokee Nation 17 years?
A Yes sir.
Q Was he admitted to citizenship by the Cherokee Commission?
A Yes sir, and these are the papers we got. (Pr duces papers)
Q What children had Jackson Rogers, who was admitted to citizenship in 1884? A Just one, Mary Augusta.
Q That Jackson Rogers admitted in 1884, that wasn't your husband?
A Yes sir.
Q How old is your son and now? A 17 years old.
Com'r: The applicant presents an official certificate of admission to Cherokee citizenship by the Cherokee Commission on citizenship showing that on the 28th of September 1884 certain persons were admitted to citizenship, and among them appears the name of Jackson Rogers; this is recognized as official evidence of the admission of Jackson Rogers, as stated.
Q To you and your husband have lived in the Cherokee Nation ever since your husband was admitted in 1884? A Yes sir.
Q Have you ever married to him under the Cherokee law after being admitted? A No sir, we went for our certificate, but we haven't got it yet; we are married in Georgia under the Georgia law.
Q Give me the names of your children? A Linnie Rogers.
Q How old is she? A She is 15 years old.
Q Next child? A Pearl E. Rogers, 2 years old.
Q You have a certificate of that child's birth? A Yes sir. (Pr duces papers)
Q These children are both living now? A Yes sir.
Q Your name is not mentioned in the certificate of admission with your husband? A No sir.
Com'r: The certificate cited states that the ~~XXXXXXXXXXXXXXXXXXXX~~ the parties named therein are admitted to the full and complete enjoyment of all the rights and privileges within the limits of the Cherokee Nation, as other native born Cherokees.
1884 roll page 856 #1531 Jackson Rogers, Illinois District.
1897 roll page 93 #179 Mary J. Rogers.
1884 roll page 494 #1071 Linnie Rogers.

Mrs. Jane Rogers et al 3

Gen. B. B. Brantley, Jr. The applicant applies for the enrollment of herself, her husband and two children; her husband is shown to have been admitted to Cherokee citizenship in 1894; she states that he has lived in the Cherokee Nation 17 years; he is identified on the roll of 1894, and he will be listed now for enrollment as a Cherokee by blood.

The child Bessie is shown to have been born since the admission of her father; her father was married to her mother prior to his admission, and they continued to live together as husband and wife; this child is identified on the rolls of 1894; she is living now, and she will be listed for enrollment as a Cherokee by blood.

When the Commission is supplied with a certificate of the birth of the youngest child, Pearl A., this child also will be listed for enrollment as a Cherokee by blood.

The applicant states that she was married to her husband in 1878, and that they have lived together as husband and wife ever since that marriage; she states that she has lived with her husband in the Cherokee Nation for the past 17 years; she has never remarried him since his admission; she is identified with him on the roll of 1894; the Cherokee representatives object to the enrollment of wives not named in the certificate of admission, and not remarried after the admission of their husbands, and for the further consideration of this point, the application for the enrollment of Maria Jane Rogers will be placed upon a doubtful card, and the final decision of the Commission will be made known to her at her post-office address.

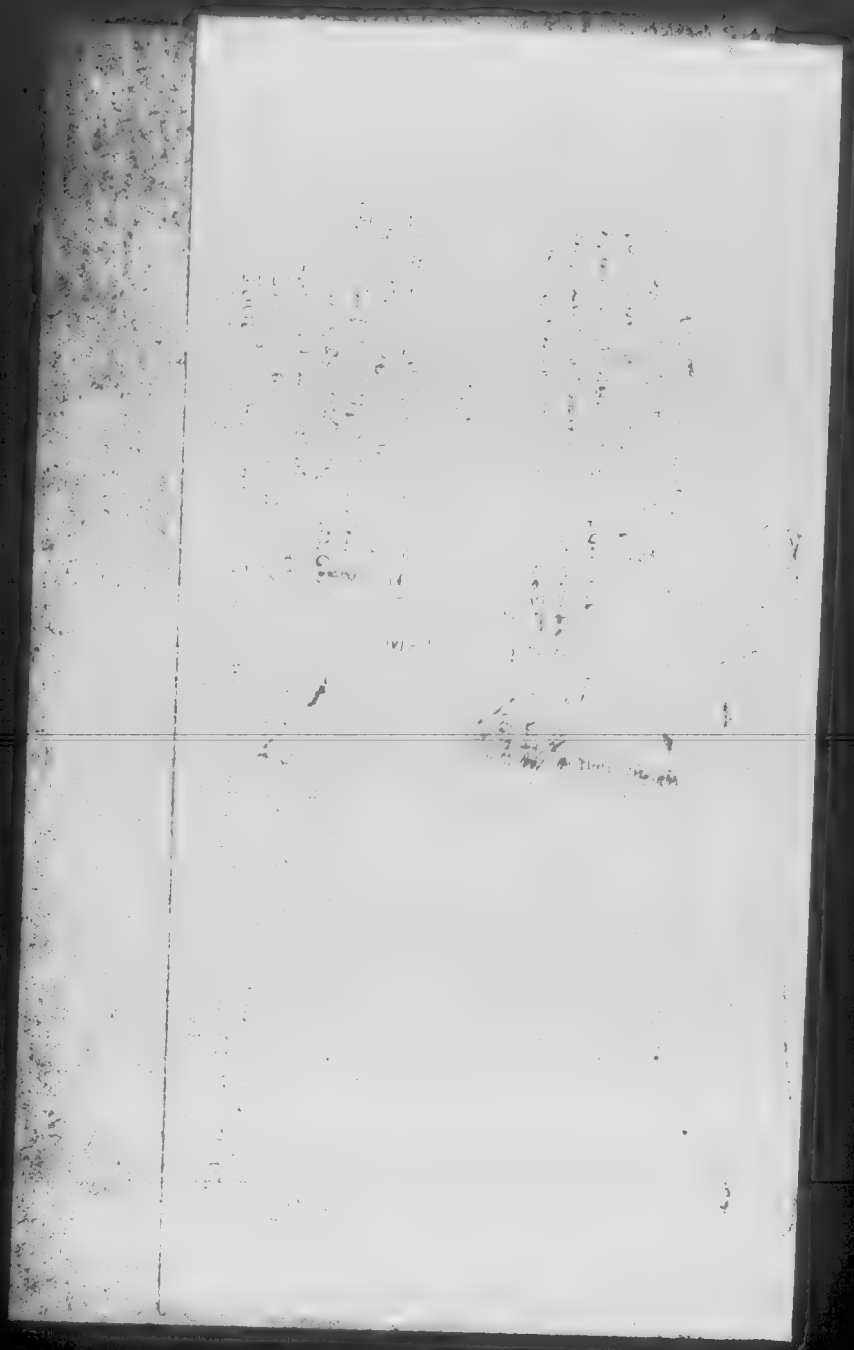
J. D. Gr on, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. D. Gr on

Subscribed and sworn to before me this 19th day of October 1899.

A. B. Brantley, Jr.

Commissioner.



Supl.-C.D.#640.

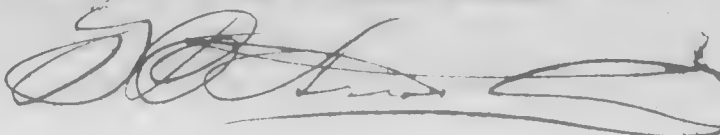
Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 6, 1902.

SUPPLEMENTAL in the matter of the enrollment of **MAMIE ROGERS**
as a citizens of the Cherokee Nation:

The applicant was notified by registered letter February 15, 1902, that her application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902. Receipt has been acknowledged of Commission's letter and the applicant this day, to-wit: the 6th day of March, 1902, appears by her attorney, W. A. Chase, Nowata, Indian Territory.

Mr. W.W. Hastings, Cherokee representative, present.

The attorney for the applicant and the representative of the Cherokee Nation present submit the case, and the same is ordered closed and reported to the Commission for a final decision based upon the evidence now of record. The attorney for the applicant requests and will be granted 15 days in which to file a brief one copy with the Commission and one copy with the representative of the Cherokee Nation.



Commissioner.

D-640 d.

Copy for C. M.

DEPARTMENT OF COMMERCE
COMMISSION TO THE INTER-AMERICAN TRIPES

FILED

APR 17 1902


ACTING CHAIRMAN

Department of the Interior.

Commission to the five civilized Tribes.

In the matter of the application of

Mamie Jane Rogers, as a citizen of the

Cherokee Nation.

Brief of council.

The applicant on Oct. 18th, 1900 applied for enrollement as a citizen of the Cherokee Nation by adoption and presented evidence by which the following facts are proven, that the applicant and Jackson Rogers, were married to each other according to the laws of the State of Georgia on the day of 1878, and that ~~the~~ Jackson Rogers was a Cherokee by blood and at that time resided in the state of Georgia but that subsequent to this date, ^{he} and his family moved to the Cherokee Nation ~~and~~ was regularly admitted as citizens of the Cherokee Nation in 1894 since which time the said Jackson Rogers and his ^{family} ~~children~~ have been duly recognized as citizens of the Cherokee Nation and that in 1896 on roll page 93 #175, it appears that the applicant Mamie J. Rogers was duly recognized as a citizen of the Cherokee Nation. ^{Evidence} This proves conclusively that the applicant was duly married to a Cherokee by blood and that she and her husband have lived together as husband and wife from the date of their marriage to the present time and that the husband of the applicant is a citizen of the Cherokee Nation and we therefore take it that the applicant is also a citizen by adoption as in all cases where the laws do not forbid the citizenship of the wife follows that of the husband as a matter of right.

Respectfully submitted.



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Cher. D-640.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 21, 1902.

In the matter of the application of Mamie J. Rogers for enrollment as a citizen by intermarriage of the Cherokee Nation.

Jack Rogers, called as a witness, being first duly sworn, and examined by the Commission, testified as follows:

- Q What is your name? A Jack Rogers.
Q How old are you? A 50 years old.
Q What is your postoffice address? A Nowata, I.T.
Q Are you a citizen by blood of the Cherokee nation? A Yes sir.
Q How long have you lived in the Cherokee nation? A Seventeen or eighteen years.
Q Was you admitted to citizenship? A Yes sir.
Q When? A I couldn't tell now.
Q Did you come to the Cherokee nation after you were admitted? A No, I was admitted after I came here.
Q You was in the Cherokee nation when you was admitted? A Yes sir.
Q Have you lived in the Cherokee nation ever since you were admitted to citizenship? A Yes sir.
Q What is your wife's name? A Mamie J.
Q Is she a white woman? A Yes sir.
Q When was she married to you? A I couldn't tell you that. The Certificate shows it.
Q You have some idea havn't you? How many years ago was it?
A I couldn't tell.
Q Have you any children? A Yes sir.
Q How old is the eldest one? A Must be 21 or 22; he gave his age; I don't remember
Q Were you married before you were admitted? A Yes sir.
Q Where were you married? A In Georgia. marriage
Q Did you ever file with this Commission a certificate of your marriage? A Yes.
Q Is Mamie J. your first wife? A Yes sir.
Q Are you her first husband? A Yes sir.
Q Have you and your wife been living together ever since you were married?
A Yes sir.
Q You have never been separated? A No sir.
Q And are living together now? A Yes sir.
Q You and your wife have made your home in the Cherokee nation ever since you were admitted? A Yes sir.
Q How many children have you under age? A Two.
Q Both living? A Yes sir.

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Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this October 28th, 1902.

J. L. Jones
Notary Public.

Cherokee D-640.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of
Mamie J. Rogers as a citizen by intermarriage of the Cherokee Nation.

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DECISION.

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The record in this case shows that on October 18, 1900, Mamie J. Rogers appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment, among others, of herself, as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 21, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that the said Mamie J. Rogers was lawfully married on July 25, 1878, to Jackson Rogers, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on September 26, 1884. The Cherokee Supreme Court, in the cases of the Cherokee Nation vs. Wandy Rogers and Melissa Dawson vs. W. A. Dawson, held that a white woman, married to a Cherokee Indian at the time of his admission to citizenship, acquires thereby the rights of Cherokee citizenship. Said Mamie J. Rogers is identified on the Cherokee Census Roll of 1896.

The evidence further shows that the said Mamie J. Rogers has lived with her said husband continuously in the Cherokee Nation from the date of his re-admission to citizenship in said Nation, up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Mamie J. Rogers should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 10 1902

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COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

Cherokee D-640.

ALLISON I. AVLESWORTH,
SECRETARY.

Muskogee, Indian Territory, December 15, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

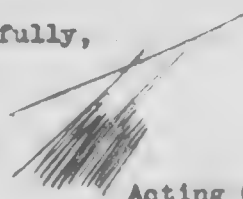
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Mamie J. Rogers for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. H-244.

40 648

IN THE MATTER OF THE APPLICATION OF

Mamie S. Rogers

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

a Original testimony Oct 18/00

b Memo of application Oct 18/00

c Marriage license & certificate

d Notice of final consideration 3/6/02

e Receipt for testimony

Order doing testimony

See Cherokee jacket 4087

E L. H. H.

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DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE BUREAU OF LAND MANAGEMENT
TO THE FIVE CIVILIZED TRIBES
FILED
OCT 28 1900

RECEIVED
OCT 28 1900

Doubtful as to husband, Constantine N. Walker,
Doubtful as to child, Henry G. Starr.

Department of the Interior,
Commissioner to the Five Civilized Tribes,
Wawata, I.T., October 18, 1900.

In the matter of the application of Mary E. Walker for the enrollment of herself, husband and child as Cherokee citizens; being sworn and examined by Commissioner Brackinridge she testified as follows:

Q Give me your full name. A Mary E. Walker.
Q How old are you? A 51.
Q What is your post-office? A Tulsa Indian Territory.
Q Do you live in Comanche District? A Yes sir.
Q Who is it you want to have put on the roll? A My husband and son and myself.
Q Are you a Cherokee by blood? A Yes sir.
Q What is your husband? A My husband is a white man.
Q How long have you lived in the Cherokee Nation? A Born and raised here.
Q Give me the name of your father. A Sterling Scott.
Q Is he dead? A Yes sir.
Q Give me the name of your mother? A My mother's maiden name was Jane Woodard.
Q Is she dead? A Yes sir.
Q Give me the name of your husband? A Constantine N. Walker.
Q How old is he? A He is nearly 40 years old.
Q Have you his license and certificate of marriage? A Yes sir, the clerk of the court married us but he never gave us a certificate.
Q When were you married? A In 1896.
Q You were married previous to your marriage to this husband? A Yes sir.
Q Was your former husband dead? A Yes sir.
Q Was he married previous to his marriage to you? A No sir.
Q You were married only once before? A That's all.
Q Has this husband lived with you and in the Cherokee Nation ever since he married you in 1896? A Yes sir.
Q Did he get out a Cherokee license? A Yes sir.
Q Where were you married? A At Fort Gibson.
Q I suppose that is a matter of record at Tahlequah? A I don't know and it cannot be found, but the clerk that married us is still alive, R. M. Walker.
Q Has your husband got a receipt for the money he paid the clerk for the license? A No sir; he hasn't; he paid him 10 dollars.
Q Give me the name of your child? A Henry G. Starr. He is my first husband's child. He and Walker have no children. His age is 23.
Q Is must apply for himself.
Q He is not here, - he is in the penitentiary.
Q How long does his term still last in the penitentiary? A 13 years.
Q Where is he confined? A Columbus, Ohio.
Q He is living at this time? A Yes sir.
1890 roll page 827 #1343 Mary E. Starr, Illinois Dist., Native Cherokee;
1890 roll page 827 #1351 Henry Starr Illinois Dist., native Cherokee;
1896 roll page 245 #2263 Mary E. Walker Comanche District;
1896 roll page 330 #1081 as Constantine N. Walker "
1896 roll page 289 #4526 Henry Starr, "

Gen'l Brackinridge: The applicant applies for the enrollment of herself, her husband and one child; she is identified in the rolls of 1890 and 1896 as a native Cherokee; she has lived in the Cherokee Nation all her life, and she will be listed now for enrollment as a Cherokee by blood.

She states that her husband married her in 1896, after the death of her first husband, and that he was never married before;

Mary H. Walker et al 2

she claims that they were married under Cherokee laws and in accordance with Cherokee law, but is unable to produce any evidence of this time; he has lived with her ever since their marriage, and is identified with her on the roll of 1880; he will be placed now as a Cherokee by intermarriage, and his application will be placed upon a doubtful card for further examination evidence of his having been married to his wife in accordance with Cherokee law.

The applicant's son, Henry G. Starr, is her child by a former husband; he is in prison at Columbus, Ohio, and is unable to apply for himself. He is identified on the rolls of 1880 and 1890; he is said to be living at this time; for the substantiation of the official records, if it is desired, the application for his enrollment will be placed upon a doubtful card, he being claimed as a Cherokee by blood.

E.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

E.D. Green

Subscribed and sworn to before me this 19th day of October 1900.

A. H. Green

Commissioner.

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Supl.-C.D.#341.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., March 6, 1902.

SUPPLEMENTAL in the matter of the enrollment of CONSTANTINE N. WALKER, ET AL., as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 15, 1902, that his application for the enrollment of himself and his stepchild, Henry S. Starr, as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskegee, Indian Territory, on the 6th day of March, 1902; and that he might on said day appear before the commission either in person or by attorney and introduce any further testimony affecting his application. Receipt has been acknowledged of Commission's letter. The applicant having this day, to-wit: the 6th day of March, been called and failing to respond either in person or by attorney, it is directed that the case be closed, and that the same be reported to the Commission for a final decision based upon the evidence now of record.



Commissioner.

J.O.R.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 27, 1902.

In the matter of the application of CONSTANTINE H. WALKER,
for the enrollment of himself as a citizen by intermarriage of the
Cherokee Nation:

Appearances:

Applicant appears by Wm. M. Gravens, Esq., Muskogee;
Cherokee Nation, by W. W. Hastings, Esq.

R. M. WALKER, called as a witness on behalf of applicant,
being duly sworn and examined, testified as follows:

Examined by Wm. M. Gravens:

- Q Mr. Walker, you are a Cherokee by blood? A Yes sir.
Q Born and raised in the Cherokee Nation? A Yes sir.
Q Were you ever an officer, or clerk of the Illinois District of
the Cherokee Nation? A Yes sir.
Q When? A Along in the eighties I believe I was clerk
several terms.
Q Do you know this applicant Constantine H. Walker?
A Yes sir.
Q Is he married? A Yes sir he married Mary Starr, widow
of Tom Starr. I was clerk of the court at the time.
Q Clerk of what court?
A Clerk of the District and Circuit Court for the Illinois District.
Q You say he married Mrs. Mary H. Starr? A Yes sir.
Q What was her blood? A She is a Cherokee.
Q Who married them? A I performed the ceremony.
Q Was it under Cherokee law? A Yes sir.
Q The license was issued by whom? A I issued the license.
Q As clerk you issued the license? A Yes sir.
Q Having issued the license you married them under Cherokee law?
A Yes sir.
Q When was that? A In the eighties, and I think possibly
in 1886, somewhere along there. I suppose his license is in the
Clerk's office now among the papers. He gave in his application
in accordance with the law, and I married them.
Q In accordance with Cherokee law? A Yes sir.

H. C. Bagwell, on oath states that as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

Subscribed and sworn to before me this July 7, 1902.

[Signature]
Notary Public.

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CHARTER

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Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, January 30th, 1903.

In the matter of the application of Constantine
N. Walker for the enrollment of himself as a
citizen by intermarriage and his step son,
Henry G. Starr, as a citizen by blood of the
Cherokee Nation.

} Supplemental
} to
} Cherokee D-641.
}

Henry G. Starr, being duly sworn, testified as follows:

Examination by the Commission.

Q. State your name? A. Henry G. Starr.

Q. How old are you? A. 29.

Q. What is your post office address? A. Tulsa, Indian
Territory.

Q. Are you a Cherokee by blood? A. Yes, sir.

Q. You are the same Henry G. Starr whose name appears on the
roll of 1880 in Illinois district? A. Yes, sir.

Q. How long have you resided in the Cherokee Nation? A. I
have resided there all my life except the last 9 years and a half.
I was in Fort Smith, Arkansas, and Columbus, Ohio.

Q. You resided in the Cherokee Nation until you went to Fort
Smith? A. Yes, sir. Four years there and five years in Columbus,
Ohio.

Q. You were then in prison? A. Yes, sir.

Q. With the exception of the time you were in prison you have
been a resident of the Cherokee Nation all your life? A. Yes, sir.

Jesse O. Carr on oath states that as stenographer to the
Commission to the Five Civilized Tribes he reported the above
entitled case and that the foregoing is a true and complete
transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 19th day of April, 1903.

Jesse O. Carr
Samuel Foreman
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinita, I.T., January 31st., 1903.

IN THE MATTER OF THE APPLICATION OF CONSTANTINE N. WALKER FOR THE
ENROLLMENT OF HIMSELF AS A CITIZEN OF THE CHEROKEE NATION BY IN-
TERMARRIAGE.

MOTION TO RE-OPEN CASE.

Comes now the Cherokee Nation by its representative, and respectfully represents to the Commission that the Cherokee Nation has newly discovered testimony, which came to the knowledge of the representative of the Cherokee Nation since this case was submitted to the Commission for a final decision based on the evidence that is now of record, and that said newly discovered testimony will show that on or about the 27th. day of April, 1902, the applicant, Constantine N. Walker, wilfully deserted and abandoned his Cherokee wife, Mary N. Walker; that he left her home, where she was living at that time, and where she has continued to reside, and where she is now residing, and has never been back to live with her since said time as her husband; that he went to the Chickasaw Nation and has since been engaged in the business of horse racing; that he has never contributed anything to his said wife's support since said time. *that he left his wife without any cause or excuse*

The Cherokee Nation expects to prove that this applicant is not entitled to be enrolled under Section 667, Compiled Laws of the Cherokee Nation:

"Every person who shall lawfully marry under the provisions of this Act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship in this Nation".

In support of this motion the Cherokee Nation expects to prove by Mittie Gibson, A. B. Beggs, Mary N. Walker and others, the facts has hereinabove set forth, and there is attached to the original motion three affidavits in support of same.

Therefore, the Cherokee Nation moves that this case be re-opened and set down for further hearing at a convenient date at Vinita, Indian Territory, in order that the Cherokee Nation be afforded an opportunity to disprove the applicant's right to be enrolled as a citizen of the Cherokee Nation. This motion is not made for the purposes of delay, but in order that justice might be done.

Respectfully submitted,

-- Attorney for the Cherokee Nation. --

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Supp'l to D 641

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., February 26, 1903.

In the matter of the application of **CONSTANTINE N. WALKER**, for the enrollment of himself as a citizen by intermarriage, and his step-son **HENRY G. STARR**, as a citizen by blood, of the Cherokee Nation:

The Commission: The Cherokee Nation makes proof of service of notice upon the applicant Constantine N. Walker, received by him on February 23, 1903, as evidenced by the return registry receipt, that testimony would be introduced in behalf of the Cherokee Nation, at Vinita, Indian Territory, on February 26, 1903, at eight o'clock a m.

Now, on this 26th day of February, 1903, at eleven o'clock a m, applicant is called three times and fails to appear either in person or by attorney.

On motion, the Cherokee Nation is permitted to introduce testimony as follows:

MARY E. WALKER, being first duly sworn, and examined, testified as follows:

Examined by J. C. Starr:

- Q State your name ? A Mary E. Walker.
Q What is your age ? A Fifty three.
Q What is your post office ? A Tulsa.
Q Are you acquainted with Constantine N. Walker, the applicant ?
A Yes sir.
Q Are you his wife ? A Yes sir.
Q When were you married to him ? A We was married in 1886, November 5th.
Q Are you living with him as his wife at this time ?
A No sir.
Q When did you separate ? A The 27th day of last April.
Q Where were you living when you separated ? A At Tulsa.
Q Were you living in a home of your own ?
A No sir, living in a rented house, keeping hotel.
Q Did you leave him or did he leave you ? A He left me.
Q Where did he go ? A He went to Claremore, Chelsea, and around horse racing.
Q Do you know where he is now ? A I don't know only what I heard from others; I heard from others that he is in the Chickasaw Nation.
Q Mrs. Walker, what were the causes of this separation ?
A Why he wanted to run the house, and he didn't know anything about it, and I wasn't willing for him to run the house, because he knew nothing about it, and we couldn't do anything as long as he undertook to run it. I was willing for him to do the outside work but I wasn't willing for him to run the house. He told me he would leave me if he couldn't run the house and do business, and I told him alright, if he wasn't willing that I should do my own business, he could leave; and he left.
Q Did you know at the time he was leaving that you were separating ?
A Yes sir.
Q You were willing for him to run his affairs on the outside of the house ? A Yes sir; he was gone off horse racing for months at a time for years before, and would come home broke, and sit around a while until he could get some money, and then he would go off again.

Q Has he contributed anything to your support since the separation ?
 A Not a cent.

Examined by the Commission:

Q When did you say this separation took place ?
 A The 27th of last April.
 Q Have you been divorced ? A No sir.
 Q Is there no suit pending ? A No sir, I intend to get a divorce, but I haven't applied yet.
 Q You don't know where he has been living since that time ?
 A At no particular place, just around the country running horses.
 Q Was that the only trouble between you ?
 A That was the only particular trouble.
 Q He wanted to have his own way ? A Yes sir; I was willing for him to have his own way in matters outside the house, but I was wanting to run the house.
 Q He said he was going to go ? A Yes sir. He said if he couldn't run the place he would leave it; and I wouldn't beg any man to live with me.
 Q Have you heard from him since he went away ?
 A No sir, not direct; I heard from him through others, he writes to others and they tell me.
 Q You never correspond with him ? A No sir.
 Q You never gave him any cause to leave you did you ?
 A No sir, if I did I don't know what it was.

 MITTIE GIBSON, being first duly sworn, and examined, testified as follows:

Examined by J. C. Starr:

Q What is your name ? A Mittie Gibson.
 Q What is your age ? A Eighteen.
 Q What is your post office ? A Tulsa.
 Q How long have you lived at Tulsa ? A Seven years.
 Q Were you living in Tulsa when Constantine Walker and his wife separated ? A Yes sir.
 Q How far were you living from Mrs. Walker at the time of this separation ? A Just about a block I guess, about a half a block.
 Q Have you worked for Mrs. Walker before that time and since ?
 A Yes sir.
 Q Were you working for Mrs. Walker at the time ? A Yes sir.
 Q Who did the leaving ? A Mr. Walker.
 Q Where did he go ? A He went to Chelsea and Nowata.
 Q What business was he engaged in when he left there ?
 A Horse racing.
 Q Has he ever been back there since ?
 A He has been back there but he has never been back there to the house, he has been in town, but he has never been to the house.
 Q Do you know where Mr. Walker is now ? A No sir.
 Q Did Mrs. Walker continue to reside at the place where she was living at that time, since the separation ? A Yes sir.
 Q She lives there yet ? A Yes sir.
 Q And has continuously since Mr. Walker left ? A Yes sir.

Examined by the Commission:

Q How long did you work for Mrs. Walker ? A I worked for her pretty near three years.
 Q Before this separation ? A About two years off and on before that.

- Q Did you ever see that there was any trouble between Mrs. Walker and her husband? A No sir.
- Q Was Mr. Walker away from home a good deal?
- A Yes sir he was gone a good deal.
- Q How much of the time would he be gone?
- A All the time pretty near except at meal time.
- Q Would he be gone away a week or two at a time that he wouldn't be at home at all? A Yes sir.
- Q Do you remember the time he left home? A I don't remember it.
- Q You remember the occasion? A Yes sir.
- Q How long did you continue to work there after that?
- A I worked there pretty near a year after that.
- Q Did you ever see Mr. Walker after that? A No sir.
- Q Did you hear any conversation between Mrs. Walker and her husband the day he left? A No sir.
- Q How did you know he was gone away? A I didn't know he was going to stay, I knowed he was going to leave.
- Q But you never saw him back at that place since?
- A No sir.

H. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

H. C. Bagwell

Subscribed and sworn to before me this April 3, 1903.

Samuel Foreman

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Henry G. Starr as a citizen by blood of the Cherokee Nation:

D E C I S I O N

The record in this case shows that on October 19, 1900, Mary E. Walker appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment of herself and son, Henry G. Starr, as citizens by blood of the Cherokee Nation, and for the enrollment of her husband, Constantine N. Walker, as a citizen by intermarriage of the Cherokee Nation; but the status of persons claiming right to enrollment as citizens by intermarriage of the Cherokee Nation not being fixed at this time, the said Constantine N. Walker is not embraced in this decision. The said Mary E. Walker is differently classified and is not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, June 27, 1902, and at Vinita, Indian Territory, January 30, 1903.

The evidence herein shows that Henry G. Starr is identified on the 1880 authenticated roll of the Cherokee Nation and the 1896 census roll of said nation as a native Cherokee.

The evidence further shows that the said Henry G. Starr has continuously resided in the Cherokee Nation since birth, with the exception of several years during which time he was in prison.

It is, therefore, the opinion of this Commission that Henry G. Starr should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

John H. Starr
Chairman.

John H. Starr
Commissioner.

John H. Starr
Commissioner.

John H. Starr
Commissioner.

Muskogee, Indian Territory,

SEP 18 1900

this

SR

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-641

ALLISON L. AYERSWORTH
SECRETARY

Muskogee, Indian Territory, February 7, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby notified that your motion to reopen, for the purpose of taking further testimony, the application of Constantine N. Walker, et al., Cherokee D-641, has been granted by this Commission.

Any testimony which you may have tending to disprove the right of this applicant for enrollment as a citizen of the Cherokee Nation can be introduced before the Cherokee Land Office of this Commission at Vinita, Indian Territory, on or before February 28, 1903.

You will be required to give the applicant in this case due notice of the time, and place at which this testimony will be introduced.

Respectfully,



Acting Chairman.

GRS

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY.

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

MAILED IN REPLY TO THE FOLLOWING

Cherokee D-641

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 22, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application for the enrollment of Henry G. Starr as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you do not file protest within the time allowed this decision will be considered final.

Respectfully,

Chairman.

D. 641

Constantine N. Walter,

Witnesses:

- 1- Mary E. Walter, Julia St.
- 2- Mittie Gibson " "
- 3- A. E. Boggs " "

Walter left April 27, 1902.

CHEROKEE

10.641

Constitutional Convention
at Nashville
Tenn

OCT 26 1907

Cher D 642

Cher D 642

Daughter as to nephew, Ora Madden.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., October 18, 1900.

In the matter of the application of James O. Smith for the enrollment of himself, wife, children and nephew, Ora Madden, as Cherokee citizens, being sworn and examined by Commissioner Brooks hereto he testified as follows:

Q Give me your full name. A James O. Smith.
Q How old are you? A 30.
Q What is your post-office? A Coffeyville, Kansas.
Q You live in Goodnow Indian District? A Yes sir.
Q Who is it you want to enroll? A Myself, wife and two children and a nephew.
Q That nephew an orphan? A Yes sir.
Q Are you a Cherokee by blood? A Yes sir.
Q What is your wife? A White woman.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father? A James O. Smith.
Q Is he dead? A Yes sir.
Q Give me the name of your mother? A Martha Jane.
Q Is she dead? A Yes sir.
Q Give me the name of your wife? A Belle Smith.
Q How old is she? A 28.
Q When did you marry her? A 1898.
Q What time in 1898? A 23rd of January.
Q Have you a certificate of your marriage? A No sir, I lost the certificate.
Q Have you got anybody here who knows you were married in the winter of 1898? A I have a letter from her clerk, Dr. May, who married me.
Q Were you ever married until you married this woman? A Yes sir.
Q Was she ever married except to you? A No sir.
Q Has she lived with you ever since she married you? A Yes sir.
Q All the time in the Cherokee Nation? A Yes sir.
Q Give me the names of your two children? A Ora J., 4 years old.
Q Give me the name of the next child? A Shelly E.
Q How old is that child? A About 22 months old.
Q Have you got a certificate of birth for that child? A Yes sir.
(produces papers)
Q These children are both living now are they? A Yes sir.
Q Give me the name of your nephew? A Ora Madden.
Q Is that the full name? A Yes sir.
Q How old is he? A 19.
Q Is he an orphan? A Yes sir.
Q Give me the name of his father? A Thomas Madden.
Q Is he dead or alive? A He is dead.
Q Was he a white man? A Yes sir.
Q When did he die? A 13 years ago.
Q Give me the name of this boy's mother? A Mary R. Blythe;
that's her maiden name; she was never enrolled as a Indian.
Q She was a Cherokee, was she? A Yes sir.
Q Was she ever married except to Madden? A Yes.
Q What man was she married first to? A McCann.
Q How long has she been dead? A She died in 1893.
Q How old was she when she died? A I couldn't tell her age exactly, - she would be, if she was living, somewhere in 40.
Q What was her name in 1890, McCann? A No sir, she was never enrolled only as a Blythe.
1890 roll page 134 dead. James Smith Goodnow Indian District, Cherokee Nation;
Q Who was this Blythe woman living with then? A There was myself and three others that ought to have been enrolled together, there was Martha J. Hinkle, Ida Madden.
1890 roll examined for nephew's mother and name not found;

James O. Smith et al 8

1895 roll page 255 24106 James O. Smith Cherokee Area Dist;
1896 roll page 303 24012 Belle Smith
1896 roll page 255 24404 Ole J. Smith " six months old;
1896 roll examined for Ora Madden, and none found.
1896 roll page 136 2466 Ora Madden
Cherokee County;

GEORGE L. WALKER, being sworn and examined by Commissioner
Hickling, test filed as follows:

Q Give your full name. A George L. Walker.
Q How old are you. A 28.
Q What is your post-office? A Coffeyville, Kansas.
Q How long have you lived in the Cherokee Nation? A It will
be 17 years next month.
Q Do you know the applicant here? A I do.
Q Do you know his wife? A I do.
Q Is she related to you? A No sir.
Q When you present when she was married to him? A No sir.
Q Did you know of their marriage at the time it took place?
A Yes sir.
Q When/where they married? A The fall of 1894. Strip payment
or during the winter following the payment.
Q What year was the Strip payment made? A 1894. It was
Q It was the fall of 1894 or the winter of 1895 then was it?
A Yes sir.
Q They have lived together ever since as husband and wife, ever
since, have they? A Yes sir.

Q Now, Hickling: The applicant applies for the enrollment
of his self, his wife and two children; he is identified on the
rolls of 1890 and 1896 as a native Cherokee; he has lived in the
Cherokee Nation all his life and he will be listed now for enroll-
ment as a Cherokee by blood;

His wife is shown to have married him in 1894 January 1895;
neither of them was previously married; she has lived with him ever
since her marriage, and is identified on the roll of 1896, and she
will be listed now for enrollment as a Cherokee by adoption; the
older child, Ole J. is identified with her parents on the roll of 1896;
she is living now and will be listed for enrollment as a Cherokee
by blood; when the applicant filed certificate of marriage of
his youngest child, Thelma V. this child also will be listed for en-
rollment as a Cherokee by blood.

As for his nephew, Ora Madden, he is said to be 19 years of
age, too young to be on the roll of 1890, but he is not identified
on the roll of 1896; he is identified on the roll of 1894; his moth-
er, who is said to have been dead some five years since, is not id-
entified on the roll of 1896; the application for the enrollment
of Ora Madden will be placed upon a doubtful card, to await more
satisfactory identification of his mother, who is said to have been
a Cherokee by blood.

E. D. Brown, Clerk. Greatly sworn and examined that as a Cherokee to
be admitted to the Cherokee Nation he correctly requested
the testimony of George L. Walker in this case and that the foregoing is
a true and complete transcript of his statement as given therein.
Subscribed and sworn to before me at the 10th day of October 1906:

W. H. Brown

Commissioner.

"R"

Cherokee D-642.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 11, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF APPLICANT in the
matter of the application of Ora Madden for enrollment as a Cherokee
by blood.

Appearances:

W.W.Hastings, of attorneys for the Cherokee Nation.

SHELLY KEY, being first duly sworn, and being examined by the
Commission, testified as follows:

Q What is your name? A Shelly Key.

Q How old are you? A 47 years old

Q What is your post-office? A Coffeyville, Kansas.

Q Do you desire to make a statement relative to the enrollment
of Ora Madden? A Yes sir.

Q Just make the statement, please? A All right; Well, Ora Madden
should have been, - his mother should have been on the 1880 roll,
Mary Rlythe, and you will find her on the 1880 roll, yes.

Q Was the mother of Ora Madden ever married before she married the
applicant's father, Thomas Madden? A I don't think she did.

Q What was the maiden name of Ora Madden's mother? A Rlythe.

Q What was her father's name? A Rlythe, I suppose, was her father;
I couldn't tell you, I don't know back that far.

Q Did you know her before she married Thomas Madden? A Yes sir.

Q Was she then going by the name of Mary Rlythe? A Yes sir.

Q Was she a Cherokee? A Yes sir.

Q Is she living or dead? A She is dead.

Q Did this Mary Rlythe always live in Cooweescoowee District? A No
sir, not always.

Q Where was she living when the roll of 1880 was made? A She was
living in Cooweescoowee District.

BY MR. HASTINGS:

Q You know that this child was afterwards born to the Mary Rlythe
that you knew? A Yes sir, this Ora Madden.

Q You believe that Mary Rlythe to be the one that is found on the
roll? A I believe that to be the Mary Rlythe, I am not positive,
but I know that to be this boy; I have known him from his birth up.

Q Did you ever know any other Mary Rlythe? A No sir.

Q How long has she been dead? A Well she is on the '80 roll, she
died about; let's see, I moved up on the Kansas line in '87,
and she has been dead 15 or 16 years to the best of my knowledge,
that is the Mary Rlythe.

1880 authenticated roll of citizens of the Cherokee Nation
examined and Mary Rlythe identified on
page 70 No. 300 Mary Ply, Cooweescoowee District, native Cherokee
1896 census roll of citizens of the Cherokee Nation examined
and applicant Ora Madden identified on
page 225 No. 3576 Madden, Ora, Cooweescoowee District, 15 years
old.

BY COMMISSION: This testimony will be filed and made
a part of the record in Cherokee case No. D-642.

M.D.Green, being first duly sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
testimony and proceedings in this case and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this February 13, 1902.

Commissioner

OFFICIAL COPY FOR THE RECORD OF THE BOARD OF THE ARMY AND NAVY

RECEIVED

1917

1917

THE
OFFICE
OF THE
SECRETARY
OF THE
NAVY
WASHINGTON
D. C.
1917

Department of the Interior,
Commission to the Five Civilized Tribes,
Haskell, I. T., June 26, 1902.

In the above matter of the application of ORA MADDEN, for the enrollment of herself as a citizen by blood of the Cherokee Nation:

JAMES O. SMITH, called as a witness, and being sworn and examined by the Commission, testified as follows:

- Q What is your name? A James O. Smith.
Q What is your post office address? A Coffeyville, Kansas.
Q How long have you known Ora Madden? A I have known her ever since she was a child; ever since he was born.
Q Where was he born? A In the territory, about five miles south-east of Coffeyville.
Q In what Nation? A The Cherokee Nation.
Q Where has he been living since his birth? A He has been living the most of the time there at home or in the territory. He has been going to Coffeyville to school since 1899.
Q He has been attending school there continuously since that time?
A That is through the fall and winter.
Q Where does he spend his summers? A Part of the time in the summer at Coffeyville and part of the time at home with me, and part of the time down in the Cherokee Nation.
Q How long did he live in the Nation after his birth?
A He lived in the Nation continuously; he wasn't out of it at all until he was about ten.
Q How old was he when he left the Nation?
A When he first started to go to school in the State at all, he was well he was about ten years old.
Q Did he spend all the time prior to that in the Cherokee Nation?
A Yes sir.
Q Has he ever been in any place in the State except Coffeyville, Kansas for the purpose of attending school? A Yes sir he attended school some little at a place west of Coffeyville.
Q How far? A About five miles west of Coffeyville.
Q Has he ever been out of the Cherokee Nation for any purpose other than attending school? A No sir.

ORA MADDEN, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Ora Madden.
Q How old are you? A Twenty one years of age.
Q What is your post office address? A Coffeyville, Kansas.
Q Where were you born? A In the Cherokee Nation, about five miles south-east of Coffeyville.
Q How long did you continue to live there after your birth?
A I have lived there all my life.
Q How long did you continue to live there before you left the Territory for any purpose?
A About eleven years before I started to school.
Q Have you ever been out of the Territory for any purpose other than attending school?
A No sir.
Q Have you ever made your home outside the Nation?
A No sir.

Examined by Mr. Hastings:

- Q Are you boarding up there at Coffeyville? A Yes sir.

The Examination:

Q. There do you read your testimony?

A. Yes, sir. I read it over and found the thing with my hands, with a lot of work, and I saw that it was all right, and then I went back and read it, and then I signed it.

H. B. Bagwell, at both places that he is mentioned in the
testimony to the Forensic Board, and he is mentioned in the
testimony and proceedings and in the above exhibit, and that
the foregoing is an accurate transcript of his statements and
thereof.

H. B. Bagwell

Subscribed and sworn to before me this June 20, 1902.

H. B. Bagwell
Notary Public

D642

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 27 1902

Supl.-C.D.#642.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T.; March 20, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of ORA
MADDEN as a citizen of the Cherokee Nation, introduced on part of
applicant:

Appearances:

J. H. Keith, Coffeyville, Kans., Atty. for Applicant;
W. W. Hastings, Cherokee Representative.

Case continued from March 6, 1902, to March 20, 1902.

SUPPLEMENTAL TESTIMONY in behalf of applicants:

JAMES O. SMITH, being duly sworn, testified as follows on
part of applicants:

MR. KEITH:

Q Please state your name, age and place of residence? A James O.
Smith, 22 years old, I live about five miles southeast of Coffeyville
on the east side of the Verdigris river.

Q What is your nationality, Mr. Smith? A Cherokee.

Q By blood or adoption? A By blood.

Q Are you on the authenticated rolls of Cherokee Nation?

A Yes, sir.

Q What relation do you sustain to the applicant, Ora Madden?

A Uncle.

Q Was his mother your suster? A His mother was a half sister of
mine.

Q By the same father or same mother? A By the same mother.

Q What was your mother's nationality? A Cherokee by blood.

Q Where did she reside? A In Cooweescoowee district, Cherokee
Nation.

Q What was the applicant's mother's name? A Ora Madden's?

Q Mother's name? A Mary E. Bly.

Q She is dead is she? A Yes, sir.

Q How long has she been dead? A Well, let's see, she has been
dead six years lat August, I believe.

Q Since that time you have been the guardian of your nephew?

A Yes, sir.

Q Do you know under what name your sister was enrolled on the
citizenship rolls of the Cherokee Nation? A Mary E. Bly.

COMMISSION:

Q What district did your sister live in? A Cooweescoowee district

Q About how old would she be if she were living now?

A I don't know exactly; she would be somewhere in 40.

Q What was her father's name? A Riley Bly.

Q Was he dead when the roll of 1880 was made?

A Yes, sir.

Q What was her mother's name? A Martha J. would have been her
name.

Q Was she dead when that roll was made? A Yes, sir.

Q Was your sister married when the roll of 1880 was made?

A Yes, sir.

Q To whom was she married at that time? A Madden.

Q Are you sure about that? A Yes, sir; x but she was enrolled
by her maiden name.

Q Was Madden a white man? A Yes, sir.

Q Did you ever know of any other Mary Bly living up in that country?

A No, sir, I never did.

MR. HASTINGS:

Q You say she was married to Madden before the 1880 roll was made?
A Yes, sir.

Q Did she have any children? A No, sir.

Q What is her eldest child's name? A This Ora is the oldest child; he was born in '80, I don't know, of course; I expect the roll was made before he was born; he was born on the 26th of December, 1880.

Q You say she is a full sister of yours? A No, sir, she is a half sister.

Q Was your father a Cherokee? A No, sir; my father was a white man.

Q You got your Cherokee blood through your mother? A Yes, sir.

Q Are you on the 1880 roll? A Yes, sir.

Q Was your sister's father a white man or Cherokee? A Yes, my sister's father was Cherokee.

Q She got her Cherokee blood through both her father and mother?

A Yes, sir.

Q You don't know what year she was married to this man Madden?

A No, I don't know as I remember.

Q Well, did they continue to live together after their marriage?

A Yes, sir.

Q Until her death? A Until his death.

Q When did he die? A He died in 1889 I think; I would not be right sure but I think it was in April, '89.

Q You know where your sister was born? A No, I do not.

Q She was older than you? A Yes, sir.

Q What is your family history about that? A Well, of course I can't tell very much of a history because-

Q What do your folks say? A I don't know very much about it; my mother died when I was very small and of course it has always been taught to me that she was born in the Cherokee Nation.

Q Where were you born? A I have always been taught that I was born in the Cherokee Nation.

Q When you were when you were five or six years of age? A I was here in the Cherokee Nation near Coffeyville.

Q Where was your sister, the mother of this applicant?

A She was there.

Q And remained there until her death? A Yes, sir.

Q Was her citizenship ever questioned? A No, sir.

Q Did you know any other Mary Bly in that country? A No, sir.

1880 Roll of Cherokee citizens examined and name of applicant's mother found thereon, page 70, #300, Mart Bly, Cooweescoowee district, 20 years of age.

C. H. TAYLOR, being duly sworn, testified as follows on part of applicant:

MR. KEITH:

Q Please state your name, age and place of residence?

A C. H. Taylor.

Q Where do you live? A Live near Coffeyville, Kansas.

Q How long have you lived there? A I have lived off and on since '72.

Q You live in the Cherokee Nation? A Yes, sir.

Q Were you acquainted with Mary Bly? A Yes, sir.

Q Do you know what relation she sustained to Ora Madden? A She was Ora Madden's mother.

Q Do you know what her nativity was? A She was always recognized as a Cherokee.

Q By blood or adoption? A Yes, sir; by blood.

Q By blood or adoption? A Yes, sir; by blood.

Q How long did you know her? A I have known her ever since '74.
Q Where did she reside in '74? A They moved right in below me on the next Section south.

Q In the Cherokee Nation? A Yes, sir.

Q Do you know where she resided after '74 until the time of her death? A Well, she resided there on that place.

Q You know that this boy is a son of that woman? A Yes, sir.

Q Was she the only Mary Aly you knew in that vicinity?

A Yes, sir, she was kinda demented.

MR. HASTINGS:

Q About how old would she be if she were living now?

A Oh, when she came there she was a little girl.

Q When was that? A In '74, she would have been six or seven years old; there was four children, one almost a baby.

MR. KNITH:

Q Do you know whether she was at her home when the 1880 roll was made or not? A Yes, sir, she was living I think they still lived on that place all the time; I never knew her living anywhere else.

Q She was married at that time to Madden? A No, sir. Not that I know of; I never knew of her ever being married to Madden or but it was always that the child was Madden's child.

Q Well, they were living together in 1880? A Yes, sir.

MR. HASTINGS:

Q Then they weren't married? A I don't know anything about the marriage.

Commission: Attorney for applicant and representative of the Cherokee Nation present submit the case. The same will be deemed completed and reported to the Commission for final decision based upon the evidence now of record.

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I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ora Madden as a citizen by blood of the Cherokee Nation.

D E C I S I O N.


The record in this case shows that on October 18, 1900, James O. Smith appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment, among others, of his nephew Ora Madden as a citizen by blood of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings were had in the matter of said application at Muskogee, Indian Territory on February 11, March 20 and June 26, 1902.

The evidence shows that Ora Madden is the child of Thomas Madden, a white man, and Mary E. Blythe or Bly, a citizen by blood of the Cherokee Nation, who is duly identified on the authenticated tribal roll of 1880 as Mary Bly. Ora Madden was born to said Mary E. Blythe subsequent to the preparation of the tribal roll of 1880. He is identified on the Strip payment roll of 1894, and the Cherokee Census roll of 1896.


The evidence further shows that the said Ora Madden has resided in the Cherokee Nation all his life, except such times as he has been attending school.

It is, therefore, the opinion of this Commission that Ora Madden should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.


THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

Dated at Muskogee, I. T.

this _____ 40

312

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

SEEK IN REPLY TO THE FOLLOWING

Cherokee D 642.

ALLISON I. AVERSWORTH
SECRETARY

RECEIVED
SEP 27 1902

Muskogee, Indian Territory, September 26, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

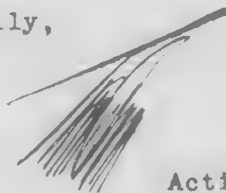
Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of James O. Smith for the enrollment of his nephew, Ora Madden, as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. C. No. 42.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Cherokee R 642

Muskogee, Indian Territory, July 7, 1905

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Ann E. Carver, et al., as citizens by blood of the Cherokee Nation, you are again advised that this office is in receipt of departmental letter of May 31, 1905, remanding this case for rehearing and readjudication.

The applicants have, therefore, this day been directed to appear at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, at nine o'clock, A.M. on Thursday, July 20, 1905, and introduce such testimony as they may desire in support of their said application. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony in this case as it may desire.

Respectfully,



Commissioner

10

642

IN THE MATTER OF THE APPLICATION OF

Ora Madden

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony Oct 18/00

B Memo of application Oct 18/00

C Notice of final consideration, 2/6/02

D Supplemental testimony Feb 6/1902

E Dec 18/00

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DEPARTMENT OF THE ARMY
WASHINGTON, D. C.

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COMMUNICATIONS SECTION
OFFICE OF THE CHIEF OF STAFF
WASHINGTON, D. C.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., October 18, 1900.

In the matter of the application of George L. Walker for the enrollment of himself, wife and 6 children as Cherokee citizens; being sworn and examined by Commissioner Breakbridge he testified as follows:

Q Give me your full name, please? A George L. Walker.
Q What is your age? A 38.
Q What is your post-office? A Coffeyville, Kansas.
Q Do you live in Cooweescoowee District? A I do.
Q Who is it you want to have put on the roll yourself?
A My self, wife and six children.
Q Are you a Cherokee by blood? A I am not.
Q What are you? A White adopted.
Q What is your wife? A Cherokee by blood.
Q Let me see your marriage license and certificate? A (Produce papers)

Com'r: The applicant presents a license issued by the clerk of Cooweescoowee District January 19th 1892, authorizing marriage between himself and his wife, nee Martha Kendle; the certificate shows that they were united in marriage on the 9th of February 1892 by the Rev. J. O. Hendryx; it is presumed that the last year given should have been 1893; this is filed herewith.

Q You had previously been married under United States law? A Yes sir.

Q When were you married under United States law? A About 4 years before this.

Q Have you and your wife lived together ever since you were married?

Q Has she lived with you all the time in the Cherokee Nation?

A All the time, ~~with about three or four~~ only about three or four months when we were at Coffeyville last winter to get our children to school.

Q Was your wife ever married except to you? A No sir.

Q Were you ever married except to her? A No sir.

Q Your wife's full name at present, then, is Mattie J. Walker?

A Martha J. Walker.

Q How old is she? A About 36.

Q Was she born in the Cherokee Nation? A Yes sir.

Q Has she lived here all her life? A All the time except the four months we was in Coffeyville.

Q Give me the name of her father? A Thomas Kendle.

Q He is dead? A Yes sir.

Q Give me the name of her mother? A At that time Martha J. Kendle.

Q She is dead, is she? A Yes sir.

Q Your wife is named after her mother? A Yes sir.

Q Give me now the names of your children? A Itaskia Walker.

Q How old is that child? A 13 years old.

Q Next child? A Ollie Walker.

Q How old is that child? A 9 years old.

Q Next child? A Nellie.

Q How old is that child? A 8.

Q Next child? A William T.

Q How old is that child? A He is 6, past.

Q Next child? A Jessie.

Q How old is she? A 5.

Q Next child? A Ernest.

Q How old is Ernest? A A year old, the 9th of September.

Q These children are all living now? A Yes sir.

1890 roll examined for wife, and name not found;

1896 roll page 289 #3373 Martha J. Walker, Cooweescoowee, native Cher

1896 roll page 329 #1071 George L. Walker Cooweescoowee Dist;
 1896 roll page 289 #5374 Itasca K. Walker "
 Q K in that child's name. A Why, the mother give it in before.
 1896 roll page 289 #5375 Ollie Walker Cooweescoowee Dist;
 1896 roll page 289 #5376 Nellie Walker "
 1896 roll page 289 #5377 Wm T. Walker "
 1896 roll page 289 #5378 Jessie Walker "
~~1896 roll page 289 #5379~~
 Q Who was your wife living with in 1880? A Thomas Madden was
 her step-father.
 Q Her mother had married again in 1880? A Yes sir.
 1880 roll page 146 #2055 Ira Madden Cooweescoowee, native Cher.

A. H. NORWOOD, being sworn and examined by Com'r Breckinridge,
 testified as follows:

Q Give your name there, please? A A.H. Norwood.
 Q How old are you? A 49.
 Q What is your post-office? A Dawey.
 Q Are you one of the witnesses here of the Cherokee Nation?
 A No, not selected as I know of for that purpose, or anything.
 Q How long have you lived in the Cherokee Nation? A 30 years.
 Q Do you know the wife of the applicant here, George Walker, her
 name is Martha? A Yes sir.
 Q What was her maiden name? A She went by the name of Kendle
 I am understanding.
 Q How long have you known her? A I first knew her in 1871.
 Q Did you know her mother? A Yes sir.
 Q Was her mother recognized as a Cherokee woman here in the
 country? A Yes sir, and Madden married her as such, about 1871
 at Ft. Gibson.
 Q Do you believe Martha was born here in this country? A She
 was married and had two or three children; I was there at Ft.
 Gibson about the time they got married.
 Q You don't know whether this woman's mother was born in the
 Cherokee Nation? A No sir, I didn't know them then.
 Q But you have known this woman, Martha Walker, ever since she
 was a child? A Yes sir.
 Q Do you know any good reason why she should not be on the roll
 of 1880? A No sir.

Com'r Breckinridge: The applicant applies for the enrollment
 of himself his wife and six children; he is a white man, and he claims
 his wife is a Cherokee woman; she is identified on the roll of 1896
 as a native Cherokee; she is not identified on the roll of 1880,
 nor is her mother, who was then living, identified on that roll.
 Her half-sister, Ira Madden, is identified on the roll of 1880, and
 the applicant states that while they are half-sisters, yet they have
 the same mother. Personal testimony established that this woman
 has been known in the Cherokee Nation since 1871, and it is not
 understood that there is any valid reason why she should not be
 upon the roll of 1880, but for the present the application for
 her enrollment will be placed upon a doubtful card for further con-
 sideration;

The applicant is shown to have married his wife in 1882 in ac-
 cordance with Cherokee law; they had previously been married in ac-
 cordance with United States law; he states that neither of them
 were ever married before; he is identified on the roll of 1886, and
 states that he has lived with her in the Cherokee Nation ever
 since their marriage, except some four months when they were out
 sending their children to school; he will be listed now upon a
 doubtful card as a Cherokee by intermarriage.

Of the six children, the first five named in the testimony
 are identified on the roll of 1886; they are living now and will
 be listed as Cherokees by blood upon a doubtful card, to await
 the further consideration of their mother's claim, and the same
 classification will be given to the youngest child, Ernest, when a

George J. Walker et al vs

certificate is filed of this child's birth.

H. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 19th day of October 1900.

Commissioner

2003

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

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[Handwritten signature]
SPECIAL AGENT

George L. Walker

her? A Yes, sir, I don't suppose she ever rode on the train in her life until this morning, and hasn't been out of the Territory.

James O. Smith, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name, please? A James O. Smith.

Q How old are you? A 50.

Q What is your post office? A Coffeyville, Kansas.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Are you the half brother of Mrs. Martha J. Keys? A Yes, sir.

Q Did you have the same father or the same mother? A The same mother.

Q Your mother died before the roll of 1880 was made, didn't she?

A Yes, sir.

Q Your father died before that roll was made? A Yes, sir.

Q Was your half sister, Mrs. Walker, born in the Cherokee Nation?

A Well, I can't say, she is older than I am, whether she was or not; I guess it is likely she was.

Q Where was your mother born? A I can't answer that either.

Q Has your half sister Mrs. Walker, lived in the Cherokee Nation ever since you can remember? A Yes, sir.

Q She is not on the roll of 1880. Do you now think that was due to the neglect on the part of those who had charge of her at the time?

A That is the only reason I can give.

Q You are on the roll, are you? A Yes, sir, we were together; there was four of us there that was together at that time.

Q Has she any full brother? A No, sir.

Q And full sisters? A No, sir.

Q But your mother was a Cherokee by blood, wasn't she? A Yes, sir.

Q What was your father? A A white man.

Q Which one of your mother's children besides yourself are on the roll of 1880? A Ida Madden.

Commissioner Breckinridge: This seems to establish in a satisfactory manner the fact that Martha J. Walker's omission from the roll of 1880 was due only to neglect. Her half brother and sister, it appears, are on the roll, and that they acquired their right to enrollment through their Cherokee mother, their kinship being through the mother.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 1st of November, 1900.

A. A. McKee

Commissioner.

Department of the Interior,
Commissioner to the Five Civilized Tribes,
Oklahoma, I.T., October 31, 1900.

B. 645.

In the matter of the application for the enrollment of George L. Walker, et al.

Additional testimony.

Martha J. Walker, being sworn and examined by Commissioner Brockinridge, testified as follows:

- Q Give me your full name? A Martha J. Walker.
Q You are the wife of George L. Walker, are you? A Yes, sir.
Q And you want to give some additional testimony in the application made for the enrollment of himself and all the family? A Yes, sir.
Q Your name wasn't identified on the roll of 1880? A No, sir, it was on all the other rolls before and on the other rolls since.
Q Why wasn't it on the 1880 roll? A Because we were orphan children and had no one to look out for us, and my mother died two years before; there was just four children of us, and my oldest sister's mind being very weak and not capable of attending to any business, and my stepfather wasn't at home, and I was right at the house the time the census takers came there. Of course I was a very little child and no one to look after us, and no parents, and my sister was the oldest and her mind was very weak. She gave in my half sister's name and half brother's name.
Q But didn't give in yours? A She didn't give in mine.
Q You say your mother was then dead? A Yes, sir.
Q Was your father dead? A Yes, sir.
Q You were born in the Cherokee Nation? A As far as I know, I have always lived in it since I have been big enough to remember anything.
Q Where was your mother born? A I am not able to tell you, she was born in the Nation somewhere.
Q You don't know anything of your family outside the Cherokee Nation? A No, sir.
Q You state now your mother was dead then? A Yes, sir, she died before the 1880 roll; the 1880 roll was taken somewhere about 2 years afterwards, but I can't say just exactly.

Mrs. Shelly Keys being sworn and examined by Commissioner Brockinridge, testified as follows:


- Q How old are you? A I am 38 years old.
Q What is your post office? A Coffeyville, Kansas.
Q How long have you lived in the Cherokee Nation? A Since 1868.
Q Do you know Mrs. Martha J. Walker? A Yes, sir.
Q Was she born in the Cherokee Nation? A I can't say as to that, I have known her since 1873.
Q Did you know her mother? A No, sir, I wasn't acquainted with her mother.
Q Were her people always recognized as Cherokees by blood? A Yes, sir.
Q Do you know of any reason why she is not on the roll of 1880? A Only that her mother died when she was small.
Q Her mother died before the roll of 1880 was made, didn't she? A Yes, sir.
Q And her father died before that roll was made? A Yes, sir, and she had a step-father and her stepfather wasn't at home at the time the 1880 roll was made, and her oldest sister wasn't capable of taking care of herself, much less the younger children.
Q The oldest sister was there and had charge of her at the time? A Yes, sir.
Q Where was her stepmother? A She didn't have any stepmother.
Q So she was really left in the care of a somewhat incompetent older sister? A Yes, sir.
Q She has lived in the Cherokee Nation ever since you have known

D643

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 27 1902



Supl. 90.D. #443.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 20, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
GEORGE L. WALKER, ET AL., as citizens of the Cherokee Nation, in-
troduced on part of applicant:

Case continued by agreement from March 6th to March 20,
1902.

Appearances:

J. H. Keith, Coffeyville, Kansas, Atty. for Applicant
W. W. Hastings, Cherokee Representative.

C. H. TAYLOR, being duly sworn, testified as follows on
part of applicants:
MR. KEITH:

Q You please state your name, age and place of residence? A C. H. Taylor, post office Coffeyville, Kansas; I live in the Cherokee Nation, Cooweescoowee district.

Q How long have you resided in the Cherokee Nation? A I have been in the Cherokee Nation ever since 1855.

Q Were you acquainted with Martha J. Walker during her life-time?

A Yes, sir.

Q She was the wife of George L. Walker was she not?

A Yes, sir.

Q Do you know what nationality she was? A She was a Cherokee; her mother was a Cherokee.

Q Cherokee woman? A Yes, sir.

Q Do you know where she was raised? A She was raised right there on the Madden place.

Q What relation did she sustain to James Smith and Mary Bly, the mother of Ora Madden? A She was a half sister to each of them, her maiden name was Martha Kendle.

Q Do you know where she was raised after her birth or after she came up there? A She lived on the section south of me.

Q She came there in 1874? A Yes, sir.

~~Q Did not think that name afterwards? A Yes, xxx.~~

Q Resided there ever afterwards? A Yes, sir.

Q Do you know whether or not her mother was living in 1880?

A No, sir.

Q In whose charge was this girl that afterwards became his wife?

A She was in charge of Tom Madden, her step-father.

Q Do you know whether he was at home when the census takers were at their place in 1880? A No, sir, I don't know, they were living there.

Q They were living on the place there in 1880; do you know the mental condition of the elder sister of this girl in whose charge she was during those years? A She was in Martha's charge; Mary was always demented.

Q Her mind was weak? A Yes, sir.

Q Do you know of any reason why she was not placed on the roll of 1880 with her half brother and sisters? A No, sir, I don't know.

Q Her citizenship came through the same mother? A Same mother.

Q And she resided in the Indian Territory, Cherokee Nation?

A Yes, sir.

MR. HASTINGS:

Q Which was the elder this Martha J. Walker or Mary Bly?

- A Mary Bly was the elder.
Q And this one is younger? A Yes, sir.
Q Do you know anything about when this Martha J. was born?
A No, sir, she was a young girl when s they came there.
Q Where did they come from? A Fort Gibson.
Q What was her mother's maiden name? A I think she was namee Tucker.
Q When were they kin to? A I don't know.
Q Did you know them at Fort Gibson? A No, sir.
Q You never knew them at all until they came there? A No, sir; they came there in '74.
Q She lived in the Cherokee Nation ever since? A Yes, sir.

Commission: The attorney for the applicant and representative of the Cherokee Nation present ~~submit~~ submit the case. The same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

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I, J. G. Rosson, being do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. G. Rosson

1005

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George L. Walker for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Martha J. Walker, and his minor children Itaskia, Ollie, Nellie, William T., Jessie and Ernest Walker as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 18, 1900, George L. Walker appeared before the Commission at Nowata, Indian Territory, and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife Martha J. Walker, and his minor children, Itaskia, Ollie, Nellie, William T., Jessie and Ernest Walker as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Claremore, Indian Territory, on October 31, 1900, and at Muskogee, Indian Territory on March 20, 1902.

The evidence shows that the said George L. Walker was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on February 9, 1892 to Martha J. Walker, nee Kendall, who appears, from the evidence to be a citizen by blood of the Cherokee Nation. The said George L. Walker, his wife, Martha J. Walker, and his five elder children are identified on the Cherokee Census roll of 1896. Upon examination of the tribal rolls in the possession of this Commission it is found that the name of Martha J. Walker is also upon the Strip payment roll of 1894. Ernest Walker, the youngest child, is too young to be upon any roll, but he is duly identified by a birth affidavit on file with this Commission.

The evidence further shows that the said Martha J. Walker has resided in the Cherokee Nation all her life and that she and her husband have lived together ever since their said marriage. It further appears that said children have been living with their parents since their birth, and that all of the applicants herein were residents of the Cherokee Nation at the date of this application.

It is, therefore, the opinion of this Commission that George L. Walker should be enrolled as a citizen by intermarriage of the Cherokee Nation and that Martha J. Walker, Itaskia Walker, Ollie Walker, Nellie Walker, William T. Walker, Jessie Walker and Ernest Walker should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner


Commissioner

Dated at Muskogee, I. T.

AUG 11 1902

2118

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskeges, I. T., October 22, 1902.

In the matter of the application of George L. Walker for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Martha J. Walker, and his six minor children, Itaskia, Ollie, Nellie, William T., Jessie and Ernest Walker, as citizens by blood, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

GEORGE L. WALKER, being sworn, testified as follows:

By the Commission,

- Q Your name is George L. Walker, is it? A Yes, sir.
Q How old are you? A Forty.
Q What is your postoffice? A Coffeyville, Kansas.
Q Are you a white man? A I am.
Q Are you claiming the right to be enrolled as a Cherokee citizen by intermarriage? A Yes, sir.
Q What is your wife's name? A Martha J. Kendall.
Q Martha J. Kendall when you married her? A Yes, sir.
Q Is she a Cherokee by blood? A Yes, sir, she is dead now.
Q When did she die? A One year ago the 20th of last January.
Q How long had your wife lived in the Cherokee Nation? A All her life except one month we were in Coffeyville for the purpose of schooling the children.
Q When were you married to her? A Twelve years ago last February.
Q Were you married to her under Cherokee marriage license? A I was.
Q Was Martha J. your first wife? A Yes, sir.
Q And were you her first husband? A Yes, sir.
Q Did you and your wife, Martha J., live together from the time you married her up until the time she died? A Yes, sir.
Q Did you live in the Cherokee Nation all the time from your marriage until she died? A Except about three months we were in Coffeyville schooling the children.
Q When was that? A Last winter.
Q Are you living in Coffeyville now? A I can't say that I am. My children are there.
Q Is your home in the Cherokee Nation? A Yes, sir.
Q Have you any farm? A I have.
Q In the Cherokee Nation? A Yes, sir.
Q How many children have you? A Six.
Q Are they all living? A They are.
Q You have not married since the death of your wife? A No, sir.

By Mr. Starr,

- Q How long have your children been going to school in Coffeyville?
A The winter we was there three months, and when this year of school begun I took them up and they have been going ever since.
Q Is that the only time you ever lived in Coffeyville, that you mentioned? A Yes.
Q Never lived there longer than three months? A I would not say positively.
Q Never lived in Coffeyville any other time? A Yes, I was there

last winter.

Q Well, any other besides these two times? A Well, sometimes I stay with them one night or two nights out of the week and the rest of the time I stay on the farm.

Q Were you there any time during the year 1908? A That was the year before my wife's death; we just lived there the two times.

By the Commission,

Q Are all your children up there? A Yes, sir. We have no chance for school down here. We had a school at home but after my wife's death we could not run the school any more.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.



Subscribed and sworn to before me this 25th day of November, 1902.


Notary Public.

Cherokee D-643.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of George L. Walker for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Martha J. Walker, and his minor children, Itaskia, Ollie, Nellie, William T., Jessie and Ernest Walker, as citizens by blood of the Cherokee Nation.

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DECISION.

--:o:--

The record in this case shows that on October 18, 1900, George L. Walker appeared before the Commission at Nowata, Indian Territory, and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Martha J. Walker, and his minor children, Itaskia, Ollie, Nellie, William T., Jessie and Ernest Walker, as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Claremore, Indian Territory, on October 31, 1900, and at Muskogee, Indian Territory, on March 20, 1902, and October 22, 1902.

The evidence shows that the said George L. Walker was married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on February 9, 1892, to Martha J. Walker, nee Kendall, who appears from the evidence to be a citizen by blood of the Cherokee Nation. The said George L. Walker, his wife, Martha J. Walker, and his five older children are identified on the Cherokee Census Roll of 1896. Upon examination of the tribal rolls in the possession of this Commission, it is found that the name of Martha J. Walker is also upon the Strip Payment Roll of 1894. Ernest Walker, the youngest child, is too young to be upon any roll, but he is duly identified by a birth affidavit, made a part of the record herein. There was filed with this Commission, on October 22, 1902, an affidavit of death wherein it is shown that Martha J. Walker died on January 27, 1901. Said affidavit is made a part of the record herein.

The evidence further shows that Martha J. Walker lived in the Cherokee Nation all her life, and that her husband lived with her in said Nation from his marriage to her up to and including her death, and has continued to reside therein since her death, and had not remarried up to and including September 1, 1902. The minor children herein have resided in the Cherokee Nation all their lives.

It is, therefore, the opinion of this Commission that George L. Walker should be enrolled as a citizen by intermarriage, and that Itaskia Walker, Ollie Walker, Nellie Walker, William T. Walker, Jessie

Cherokee 2-543.

Walker and Ernest Walker should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 20, 1906, (34 Stats., 495), and it is so ordered.

It is further ordered by this Commission that the application for the enrollment of Martha J. Walker as a citizen by blood of the Cherokee Nation be, and the same is hereby, dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED),

Tams Dixby.

Acting Chairman.

(SIGNED),

T. B. Needles.

Commissioner.

(SIGNED),

C. R. Brockington.

Commissioner.

Dated at Muskogee, Indian Territory,
this FEB - 2 1903

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON J. AYERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFR IN REPLY TO THE FOLLOWING

Cherokee D 643.

Muskogee, Indian Territory, August 13, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 11, 1902, granting the application of George L. Walker for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Martha J. Walker, and his minor children, Itaskia, Ollie, Nellie, William T., Jessie and Ernest Walker, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against its decision, in granting the application of the above named persons. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 4.

COMMISSION
HENRY L. DAWES
TAMM BIRBY,
THOMAS B. NEEDLES,
C. R. BRIDGEMAN

ALLISON L. AYERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

RECEIVED BY THE CHIEF WING

Cherokee D-643

Muskogee, Indian Territory, February 12, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of George L. Walker for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his six minor children, Itaskia, Ollie, Nellie, William T., Jessie and Ernest Walker, as citizens by blood of the Cherokee Nation, and dismissing his application for the enrollment of his wife, Martha J. Walker.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. M-49

40 647
IN THE MATTER OF THE APPLICATION OF

George L. McVee et al.

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony Oct 18/00

B Memo of application Oct 18/00

C Supplemental testimony Oct 21/00

D Marriage license & certificate

E Birth certificate Ernest Barker.

F Letter from applicant

G Letter re: enrollment

Notice of final consideration, 3/6/02.

Receipt of money

Accepted for enrollment

Testimony

[Signature]

Cher D 644

Cher D 644

Doubtful as to husband, Charles M.

Department of the Interior,
Commission to the Five Civilized Tribes,
Wichita, I.T., October 18th, 1900.

In the matter of the application of Mary Jannette Kays for the enrollment of herself, husband and five children as Cherokee; being sworn and examined by Commissioner Brock Bridges she testified as follows:

Q Give me your full name. A Mary Jannette Kays.
Q How old are you. A 34.
Q What is your post-office. A Ruby.
Q Do you live in Cherokee District. A Yes sir.
Q Who is it you want to have enrolled yourself and family?
A Yes sir, myself and children.
Q And your husband, are you going to apply for him or leave him out. A Leave him out I expect.
Applicant is advised to apply for her husband.
Q Yourself, husband and how many children. A Three Kays children and two Spencer children.
Q Are you a Cherokee by blood. A Yes sir.
Q Your husband is a white man. A Yes sir.
Q How long have you lived in the Cherokee Nation. A All my life.
Q Give me the name of your father. A John W. Campbell.
Q Is he dead. A Yes sir.
Q Give me the name of your mother. A Martha J.
Q Is she dead. A Yes sir.
Q You say you have been married more than once. A Yes sir.
Q What was your first husband's name. A T. M. A. Spencer.
Q Is he dead now. A Yes sir.
Q Was he dead before you married this husband. A Yes sir.
Q Was he a white man. A Yes sir.
Q When did he die. A He died in 1896.
Q And your second marriage was to your present husband.
Q Yes sir.
Q He ever married to anybody else. A No sir.
Q Give me the full name of your present husband. A Charles M.
Q How old is he. A He is 3 years old.
Q When was it you married him. A In 1899.
Q I thought he said just now talking to you he was married in 1896.
A He was married 1 year it will be a little longer.
Q In 1896 then. A Yes sir.
Q Did you get a Cherokee license when he married you. A When we were married first we married according to the law of the Cherokee Nation, and when they were reconstituted for the Strip we got a license and married according to Cherokee law.
Q In what year did he marry according to the Cherokee law. A It was the year they were taking the census for the strip, about 1893 I guess.
Q What has become of the license he got at that time. A They were destroyed.
Q What district did he get the license in. A In Cherokee.
Q Have you written for a copy. A I think he has.
Q You haven't heard yet. A Yes sir.
Q Has he lived with you ever since he married you in 1898 or 1899.
A Yes sir.
Q How many of the names of your children by your first husband. A William B. Spencer.
Q How old is that child. A 16.
Q Name of your next child. A Allen Spencer.
Q How old is he. A 15.
Q Now the names of your children by your present husband. A My daughter William is married.
The applied at Pryor Creek and they couldn't enroll her.
Note: Applicant advised that this daughter will have to apply

for herself.

Q Now give me the three children by your present husband

A Carrie and Winnie Keys, twins.

Q How old is Carrie? A 11.

Q And Winnie? A 11.

Q Now the next one? A Charles Campbell.

Q How old is Charles? A 3 and 1/2

Q These children are all living now? A Yes sir.

Q You say you are not on the roll of 1897? A Yes sir.

Q You are on that roll as a Spencer? A On that roll as Jennette Campbell.

Q Was your father dead in 1897? A Yes sir.

Q Was your father dead then? A Yes sir.

1897 roll page 315 #399 as Jennette Campbell Illinois Dist; 17 years old, native Cherokee;

1898 roll page 126 #2730 Jennette Keys, Cherokee; 17 years old;

1899 roll for husband and name not found;

1900 roll page 267 #4630 Allen Spencer Cherokee as D at;

1901 roll page 135 #2781 Carrie Keys

1902 roll page 205 #2732 Winnie Keys

Q Your husband's license was lost before 1907? A I don't know.

Q How did you lose it, by fire? A No sir, it just got misplaced.

County Clerk's Office: The applicant applies for the enrollment of herself, her husband and four children; shown by her present marriage license by a former marriage; she is identified on the rolls of 1897 and 1898 as a native Cherokee; she has lived in the Cherokee Nation all her life and she will be listed for enrollment as a Cherokee by blood.

Three of her four children are identified on the roll of 1898, they are living now; the first, Allen Spencer, is a child of her former marriage and the next two, Carrie and Winnie Keys, are children of her present marriage; these children will all three be listed for enrollment as Cherokees by blood; when she fills a certificate of birth as to the youngest child, Charles C. Keys, this child also will be listed for enrollment as a Cherokee by blood.

The witness that her husband married her first in 1892 or 1893, under the old State law, and afterwards, in 1894 or 1895, under Cherokee law, but that the license and certificate have been lost; he is not identified on the roll of 1898; this is supposed to be because of not having in his possession evidence at the time of his Cherokee marriage; the applicant states that her husband was never married previously, and her first husband was dead when she married her present husband, and that these two marriages are the only ones she has ever contracted; the application for the enrollment of her husband, who is a white man, will now be placed upon a separate card, to admit official evidence of his having been married to her as according to Cherokee law in 1892 or 1893, as shown in the testimony.

Thereon, also Court Clerk, states that he has referred her to the Commission to the Five Civilized Tribes who has already recorded the testimony and proposed enrollment in one and the same roll as a true and correct transcript of his own original action thereon.

So certified and sworn to before me this 14th day of October 1907.

[Handwritten signature]

Commissioner.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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Department of the Interior,
Commission to the Five Civilized Tribes,

In the matter of the application of Charles M. Keys for enrollment as a citizen of the Cherokee Nation.

—O—

On the 18th day of October, 1900, Mary Jenette Keys appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself and children as citizens by blood, and for the enrollment of her husband, Charles M. Keys, as a citizen by intermarriage of the Cherokee Nation.

At the conclusion of the evidence offered at that time Mary Jenette Keys and her children were listed for enrollment on a regular card and the name of Charles M. Keys was placed upon a doubtful card, awaiting official evidence of his marriage to his said wife according to Cherokee law.

Further evidence has been submitted to this Commission and the following decision is rendered:

D E C I S I O N .

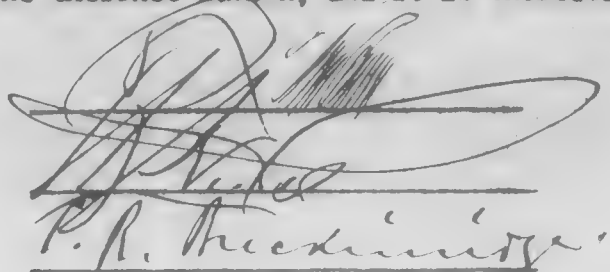
From the evidence of record in this case it appears that Charles M. Keys was authorized by virtue of a Cherokee marriage license, issued on the 15th day of November, 1892, to marry Mrs. M. J. Keys, nee Spencer, and that they were duly united in marriage under said license by J. S. Lamar, A Minister of the Gospel, on the 12th day of June, 1893.

His wife, Mary J., is identified on the 1880 authenticated tribal roll of the Cherokee Nation and the 1896 census roll of the Cherokee Nation. He has resided in the Cherokee Nation with his wife since his said marriage, and she has resided in the Cherokee Nation all her life. The name of Charles M. Keys does not appear upon any roll of the Cherokee Nation now in possession of the Commission. This, however, is not deemed material in this case.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 22, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the facts and the law in this case it is considered that Charles M. Keys is entitled to be enrolled as a citizen by intermarriage of the Cherokee Nation, and it is therefore so ordered.



P. R. McKinnis

Commissioners.

Date at Muskogee, Indian Territory,

APR 23 1902

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS H. NEEDES
J. R. HARRINGTON

ALLISON J. AYLESWORTH
CHIEF CLERK

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-644

Muskogee, Indian Territory, April 25, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

Enclosed herewith please find a copy of the decision of the Commission rendered April 23, 1902, in the matter of the application of Charles N. Keys for enrollment as a citizen of the Cherokee Nation, Number D-644.

You are advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the said Charles N. Keys, as a citizen of the Cherokee Nation. If you fail to file a protest within the time allowed this applicant will be regularly listed for enrollment by the Commission.

Very respectfully,


Acting Chairman.

Encl. D-644.

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64

IN THE MATTER OF THE APPLICATION OF

Charles M. Keene

FOR ENROLLMENT AS

CHEROKEE CITIZEN

- A [#]Original testimony Oct 18/00
- B [#]Memo of application Oct 18/00
- C Certified copy of marriage record

See

See Cherokee Nation 97

Cher D 645

Cher D 645

Doubtful as to wife, Hannah.

Report out of the Interior,
Commission to the Civ. Civilized Tribes,
Wash., I.T., October 18, 1900.

In the matter of the application of Charles Raper for the enrollment of himself, wife and children as Cherokee citizens; being sworn and examined by Commissioner Brackinridge he testified as follows:

Q Give me your full name. A Charles Raper.
Q How old are you? A 45.
Q What is your post-office? A Oolagah.
Q Do you live in Geowahcoowee District? A Yes sir.
Q Why is it you want to have put on the roll? A Myself and family.
Q You have a wife? A Yes sir.
Q How many children? A 3 children.
Q Are you a Cherokee by blood? A Yes sir.
Q What is your wife? A She is a white woman.
Q How long have you lived in the Cherokee Nation? A Come here in 1898.
Q Were you admitted by the Cherokee Commission? A Yes sir.
Q Let me see your certificate of admission? A The Dawes Commission has my certificate.
Q Did you apply to the Dawes Commission for admission? A Yes sir, I was admitted in 1886 by the Cherokee.
Q But you applied to the Dawes Commission? A Yes sir, for re-admission.

Note: Dawes Commission Docket B., page 413 Cherokee # 5394, Nathan Raper and Charles Raper, and others, vs. The Cherokee Nation; filed September 2nd, 1896; answer filed; Charles Raper and his children, Cora, Young, John and Maybell Raper, admitted as citizens by blood on the 28th day of November 1896; no appeal taken.

Applicant: May all is dead.

Q Give me now the name of your wife. A Hannah Raper.
Q How old is your wife. A She is 40 I think.
Q When were you married to her? A 1878.
Q How long lived with you ever since you were married to her in 1878? A Yes sir.
Q Have you and she lived in the Cherokee Nation ever since you were admitted in 1886 by the Dawes Commission? A Yes sir, and before too.
Q Now give me the names of your three children that you apply for now. A Cora.
Q How old is Cora? A 21.
Q Cora ought to apply for herself.
Q Where is she. A She is at Vera.
Q Give me the name of the next child? A Young.
Q How old is that child? A 15 years old.
Q Next child? A John.
Q How old is John? A 13.
Q They are both living now are they? A Yes sir.
Q You had another child, Mary Belle? A Yes sir, it died.
Q She was younger than John? A Yes sir.
Q Were you ever married except to this wife? A No sir.
Q Has she ever married except to you? A No sir.
Q You were married to her, you say, in 1878? A I think it was 1878. (Produces papers)
Q Sir: The applicant produces an official copy of the records of Roan County Tennessee showing that he and his wife were married on the 22nd of December 1878, by the Rev. J. H. Denton; this is filed herewith.

Com'r Brackinridge: The applicant applies for the enrollment of himself, his wife and 3 children; he and his two children, Young and John, Raper, are shown to have been admitted to citizenship

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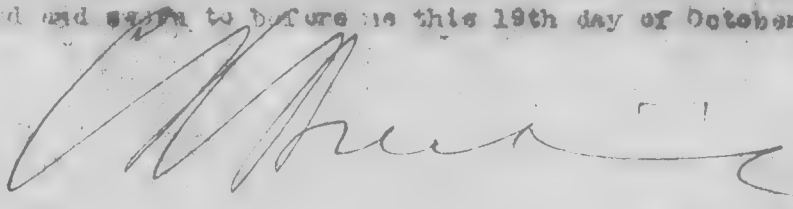
Case Paper et al 2

by the Dawes Commission in 1896 as set forth in the testimony; no appeal was taken from that admission; they have lived in the Cherokee Nation ever since their admission, and they will be listed now for enrollment as Cherokees by blood.

It is contended by the Representative present of the Cherokee Nation, that although the applicant was admitted as a Cherokee by blood, yet that this did not clothe his wife, to whom he was previously married, and with whom he was living, with rights of citizenship; she is a white woman; for the further consideration of her rights, she will be listed now as a Cherokee by adoption, on a doubtful card, and the final decision of the Commission will be communicated to the applicant at his post-office. A certificate of his marriage is filed with the case.

W.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 19th day of October 1900.


Commissioner.

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21645

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 22 1900

[Signature]
ACTING CHIEF

Supl.-C.D.#645.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., March 6, 1902.

SUPPLEMENTAL in the matter of the enrollment of HANNAH RAPER
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 15, 1901, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskegee, Indian Territory, on the 6th day of March, 1902; and that on said day she might appear either in person or by attorney when an opportunity would be given her to introduce any further testimony affecting her application. Receipt has been acknowledged of commission's letter. The applicant having this day been called and failing to respond either in person or by attorney, it is directed the case be closed and that the same be reported to the Commission for final decision based upon the evidence now of record.



Commissioner.

J.O.R.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 1st, 1902.

In the matter of the application of Hannah Raper for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-645.

Appearances:

Applicant appears in person.
Cherokee Nation by J. C. Starr.

HANNAH RAPER, being duly sworn, testified as follows:
Examination by the Commission.

- Q. What is your name, please? A. Hannah Raper.
Q. What is your age at this time? A. 42.
Q. What is your post office? A. Celagah.
Q. Are you the same Hannah Raper for whom application was made to this Commission for enrollment as an intermarried citizen on October 18th, 1900? A. Yes, sir.
Q. What is your husband's name? A. Charles Raper.
Q. Is he a citizen by blood? A. Yes, sir.
Q. Is he living? A. Yes, sir.
Q. When were you and he married? A. In '78.
Q. Had you ever been married previous to your marriage to him?
A. No, sir.
Q. Had he ever been married previous to his marriage to you?
A. No, sir.
Q. You are his first wife, he is your first husband?
A. Yes, sir.
Q. Have you and he lived together continuously from the time of your up to the present time? A. Yes, sir.
Q. Never separated? A. No, sir.
Q. You were living together on the first of September, 1902?
A. Yes, sir.
Q. How long have you lived in the Cherokee Nation? A. I can't remember. It was the year-----
Q. Have you lived here since 1880 all the time? A. Yes, sir.
I was trying to study up if I could what year we come here in.
All the papers are here. He was readmitted by the Dawes Commission.
Q. Your husband was admitted by the Dawes Commission in 1896?
A. Yes, sir.
Q. Have you lived in the Cherokee Nation continuously since 1896 up to the present time? A. Yes, sir.
Q. How many children have you, Mrs. Raper? A. 4 Four living.
Q. Give their names? A. Carrie Raper, Young Raper, John Raper, Edith Raper.
Q. Are they all living? A. Yes, sir.
Q. Have any died since your original application was made?
A. No, sir. There was one died after we were admitted by the Dawes Commission.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 22nd day of October, 1902.

B. Q. Jones
Notary Public.

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...the ... of the ...
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...and ... to ...

B646

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Charles Raper for the enrollment of his wife, Hannah Raper, as a citizen by intermarriage of the Cherokee Nation.

--o:0:o--

DECISION.

--:o:--

The record in this case shows that on October 18, 1900, Charles Raper appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment, among others, of his wife, Hannah Raper, as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 1, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that the applicant, Hannah Raper, was lawfully married on the 22nd day of December, 1878, to the said Charles Raper, a Cherokee by blood, who was admitted to citizenship by this Commission on September 2, 1896, in accordance with the provisions of the Act of Congress approved June 10, of said year, and that no appeal was taken therefrom. It further appears from an examination of the records of the Cherokee Nation in possession of this Commission, that the said Charles Raper was admitted to citizenship by the duly constituted authorities of said Nation on April 23, 1888. The Cherokee Supreme Court, in the cases of the Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson, held that a white woman, married to a Cherokee Indian at the time of his admission to citizenship, acquired thereby the rights of Cherokee citizenship.

The evidence further shows that Hannah Raper has lived with her said husband in the Cherokee Nation continuously since 1893, up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Hannah Raper should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this NOV 2 1902

MEMORANDUM
HENDRY L. DAVIS
JAMES HINDY
THOMAS H. NEEDLES
JOHN H. BUNNING

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED IN REPLY TO THE FOLLOWING

Cherokee D-645.

Muskogee, Indian Territory, November 26, 1902.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting the application of Charles Raper for the enrollment of his wife, Hannah Raper, as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. H-202.

Decision, 10 643

IN THE MATTER OF THE APPLICATION OF

Annah Kaper

(C)

~~A Original testimony Oct 18/00~~

~~B Memo of application Oct 18/00~~

~~C Certified copy of marriage record~~

~~D Notice of final consideration 5/6/02~~

~~E Order closing testimony 4/6/02~~

~~See file~~

~~act~~

Cher D 646

Cher D 646

Applicant DOUBTFUL:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOVATA, I.T., OCTOBER 12th, 1900.

In the matter of the application of Gustis Harnage for the enrollment of himself, wife and child as citizens of the Cherokee Nation; said Harnage being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your full name? A Gustis Harnage.
Q How old are you? A 33.
Q What is your post office? A Talala.
Q You live in Cooweescoowee district? A Yes, sir.
Q Who is it you want to have put on the roll, yourself and family?
A Yes, sir, wife and one child.
Q Are you Cherokee by blood? A Yes, sir.
Q What is your wife? A Cherokee by blood.
Q How long have you lived in the Cherokee Nation? A Well, sir, I do not know.
Q All your life? A No, sir.
Q Since you were a child? A Since I was 17.
Q Were you admitted by the Cherokee Commission on Citizenship?
Q Yes, sir.
Q Let me see your certificate? A I haven't got it.
Q Have you lived in the Cherokee Nation ever since you were admitted 16 years ago? A Yes, sir.
Q Give me the name of your wife, please? A Fanny G.
Q How old is she? A 26.
Q When did you marry her? A Two years ago in January.
Q What was her name when you married her? A Hunt.
Q Was that her maiden name? A Yes, sir.
Q Have you a certificate of your marriage? A Yes, sir.
Com'r Breckinridge:--The applicant presents a marriage license issued by the Clerk of the United States Court, Northern District, Indian Territory, under date of January 28, 1899, authorizing marriage between himself and his wife, as stated by him. The certificate shows that they were married on the same date by the Rev. M. L. Butler. This is filed herewith.
Q How long has your wife lived in the Cherokee Nation? A Always.
Q Give me the name of her father A Joseph.
Q Is he dead? A No, sir.
Q Give me the name of her mother? A Ruth.
Q Is she dead? A No, sir.
Q Give me the name of your father A John G.
Q Is he alive? A He is dead.
Q Give me the name of your mother? A Emily W.
Q Is she alive? A No, sir.
Q Give me the name of your child? A Emma Ruth.
Q Born last March, was it? A Yes, sir.
1890 enrollment; page 116, #1404, Anna Hunt, Cooweescoowee.
1896 enrollment; page 186, #2498, Fannie L. Hunt, "
1896 enrollment; page 182, #2388, Gustis L. Harnage, "
Q Were you ever married except to this wife? A No, sir.
Q She was never married except to you? A No, sir.

Com'r Breckinridge:--The applicant applies for the enrollment of himself, his wife and one child. His wife is identified on the rolls of 1890 and 1896 as a native Cherokee. Her change of name is established by the marriage license and certificate filed herewith. She has lived in the Cherokee Nation all her life, and she will be listed now for enrollment as a Cherokee by blood.

100-200-1000
Gustie Harnage - 2.

When the Certificate is supplied with a certificate of the birth of the child, this child also will be listed for enrollment as a Cherokee by blood.

The applicant states that he was admitted to citizenship some 16 years ago. He has not official evidence of his admission at this time. He states that he has lived in the Cherokee Nation ever since that time. He is identified on the roll of 1896, and he will be listed now as a Cherokee by blood upon a doubtful card to await official evidence of his admission as stated by him.

---see 100000---

J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rossen

Subscribed and sworn to before me this 19th day of October, 1900.

W. H. Sheet
Commissioner.

D 596

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
F L R
OCT 22 1900

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Supl)-C.D.#646.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 6, 1902.

SUPPLEMENTAL in the matter of the enrollment of CUSTIS L. HARNAGE as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 18, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices at Muskogee, Indian Territory, on the 6th day of March, 1902; and that on said day he might appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any additional testimony affecting his application. Receipt has been acknowledged of Commission's letter, and the applicant having this day been called three times and failing to respond either in person or by attorney it is directed that the same be closed, and that the same be reported to the Commission for final decision based upon the evidence now of record



Commissioner.

J.O.R.

R

C. D-646

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., March 7, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Custis L. Harnage for enrollment as a Cherokee citizen.

Appearances:

Luman F. Parker, Jr., of Hatchings, Parker & West,
Vinita, I. T., attorneys for the applicant;
W.V. Hastings, attorney for the Cherokee Nation.

BY MR. PARKER: Applicant received communication from James S. Davenport, acting as attorney for him, that his case would be heard on the 7th of March, 1902. This lead the applicant to believe that either that was the date or that the date had been changed; for the attorney wrote from Muskegee, I. T.

In consequence of this error he was not present when the case was called on the 6th, but was present at 8:30 a.m. on the 7th, and moves to re-open the case for the purpose of offering additional oral and documentary evidence.

BY MR. HASTINGS: I have no objection.

BY COMMISSION: In view of the facts stated the case will be re-opened and the testimony heard.

CUSTIS L. HARNAGE, being first duly sworn and being examined testified as follows:

BY MR. PARKER:

Q What is your name? A Custis L. Harnage.

Q Do you know when your father and mother were first admitted to citizenship in the Cherokee Nation, according to record? A No sir, I don't know positive, but they were admitted in '87 I think.

Q The first time, I say? A No sir, I don't know.

Q Did you see the records this morning? A Yes sir.

Q What date was on there? A I don't recollect.

BY MR. HASTINGS: I think it would be better to prove his parents and then to produce the record.

Q Do you remember what year you came here? A I think about 1884.

Q What was your father's name? A John Linley Harnage.

Q What was your mother's name? A Emily W. Harnage.

Q You remember your age when you came here? A About 17 years old I think.

Q Did you settle in the Cherokee Nation? A Yes sir.

Q Did you make a place? A Yes sir.

Q Whereabouts? A I first came to Canadian District and had some cattle and I stayed here that winter and then I moved to Cooweescoowee District to my brother's and made a place there.

Q Where have you lived since 1884? A In Cooweescoowee District.

Q Do you remember when your parents came to here the second time?

A Yes sir, I remember that they came here the last time, they died here.

Q The last time? A Yes sir.

Q What year was that? A I think in 1887.

Q Where did they reside? A They came to Tahlequah.

Q Where did they continue to live until they died? A My father lived there until he died, and my mother after he died she didn't live at any particular place; she stayed around among her children just first one place and then another.

Q From the time you settled here in 1887 did you live with your father and mother? A No sir.

Q But you made your home in the Cherokee Nation? A Yes sir.
MR. HASTINGS waives cross examination.

BELLE H. SCOTT, being first duly sworn and being examined testified as follows:

BY MR. PARKER:

Q State your name? A Belle H. Scott.

Q What relation are you to the applicant? A He is my brother.

Q What age are you? A 46.

Q Do you remember when Custis came to the Cherokee Nation? A Yes sir.

Q Give us your best recollection? A I can't give the date exactly, but it was between 1880 and 1884, that is the best I could remember.

Q You are certain it is not later than 1884? A No I don't think it was.

Q Where has he lived from that time on? A Why he always lived in Coowasocowee; he stayed in Canadian awhile with some cattle and then he moved into Coowasocowee and he has always made his home up there, by us.

Q You were admitted in 1887 with your parents? A Oh no I lived here before then.

Q You were re-admitted on the same application with them?

A No, this has been my home ever since 1876.

Q Custis was not admitted with his father and mother when they were admitted in 1887? A No sir. He was in there before then.

BY MR. HASTINGS:

Q When did your parents come? A They came from Texas in the fall of 1887.

Q Where did Custis come from? A From Texas here several years before my father and mother did.

Q He was born in Texas? A Yes sir.

BY MR. PARKER:

Q They had been up here before then? A Oh yes, they had been re-admitted time and again, but you know it run out every five years and he would always have it renewed.

Q Subsequent to one of their re-admissions Custis came up here and made it his home? Yes sir.

Q Subsequent to one of their re-admissions Custis came up and made his home as a boy? A Yes sir.

BY COMMISSION:

The attorneys for the applicant and the representative of the Cherokee Nation present submit the case; same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

The attorney for the applicant requests and will be granted 20 days in which to file brief in the case, one copy with the Commission and one copy with the representative of the Cherokee Nation.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M. D. Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Gustis L. Harnage for enrollment as a citizen by blood of the Cherokee Nation.


DECISION.

The record in this case shows that on October 18, 1900, Gustis L. Harnage appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment, among others, of himself as a citizen by blood of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings were had in the matter of the said application at Muskogee, Indian Territory, on March 7, 1902.

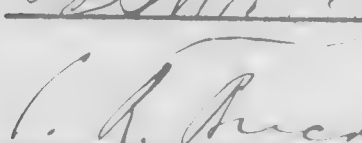
The evidence shows that Gustis L. Harnage is the son of one Emily W. Harnage. An examination of the records of the Cherokee Nation, in the possession of this Commission, shows that the said Emily W. Harnage was admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of the said Nation, on January 31, 1881, and was afterwards readmitted to citizenship by the said authorities on May 21, 1887. Gustis L. Harnage was a miner on the last mentioned date. He removed to the Cherokee Nation in 1884, and has resided there ever since. He is identified on the Cherokee Census roll of 1896, and on examination of the tribal rolls in the possession of this Commission it is found that the said Gustis L. Harnage is also identified on the strip payment roll of 1894.

It is, therefore, the opinion of this Commission that the said Gustis L. Harnage should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898, (30 Stats., 495), and it is so ordered.

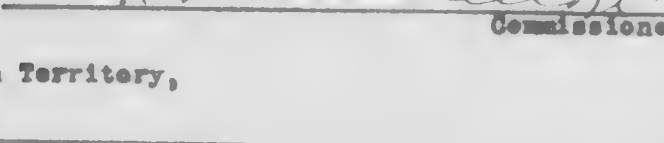
THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

Dated at Muskogee, Indian Territory,
this AUG 11 1902

237

COMMISSIONERS
HENRY L. DAWES
JAMES HENRY
THOMAS H. NELSON
C. M. HARRIS

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 646.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

Muskogee, Indian Territory, August 13, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 11, 1902, granting the application of Gustus L. Harnage for the enrollment of himself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against its decision. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 15.

IN THE MATTER OF THE APPLICATION OF

Charles L. Hargrave

OF OR AS

CHEROKEE CITIZENS.

- A Original Testimony Oct 18/00
- B Memo of application Oct 18/00
- C Certified copy of citizenship record.
- D Certified copy of certificate of admission
- E Letter from Act. Ex. Sec. of Cher. Nation
- F Notice of final consideration, 3/6/02

Result

Order for testimony 7/6/02

See Cherokee Nation

Order for testimony, supplement
 the testimony given and closing testimony 7/9

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Cher D 647

Cher D 647

SHAWNEE:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., OCTOBER 18th, 1900.

In the matter of the application of Hugh Boyle for enrollment as a citizen of the Cherokee Nation by Shawnee blood, said Boyle being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:

- Q Give me your full name? A Hugh Boyle.
Q How old are you? A About 38 years old.
Q What is your post office? A Lenapah.
Q Do you live in Cooweescoowee district? A Yes, sir.
Q Do you want to enroll yourself and family? A Just myself.
Q Are you Cherokee by blood? A Shawnee.
Q How long have you lived in the Cherokee Nation? A Raised here.
Q Lived here ever since the Shawnees came? A Yes, sir.
Q Been here about 32 years? A About it.
Q Give me the name of your father? A John Boyle.
Q Is he dead? A Yes, sir.
Q The name of your mother? A Catherine.
Q Is she dead? A Yes, sir, both dead.
1896 Cherokee-Shawnee Pay roll, page 6, #139, Hugh Boyle.
Q Have you lived continuously in the Cherokee Nation since you came here 32 years ago? A Pretty nearly all the time.
Q Where were you when you were not here? A Near Kansas City.
Q What were you doing there? A Farming.
Q How long did you stay up there? A About two years I guess.
Q Did you rent land and work up there? A No, sir, working by the month for wages.
Q Have you had a family? A No, sir.
Q When was it you went up there? A I disremember whether it was '78 or '80.
Q How did it come that you did not get on the 1896 census roll? A I do not remember.
Q Where were you four years ago? A I was living on our old place in Delaware district then.
Q Did you apply for re-admission to citizenship and now you come back from Kansas? A No, sir, never have.
Q Did you move your household effects up there in Kansas? A No, sir.
Q Did you have any? A No, sir.
Q Did you apply for enrollment on the census roll of 1896? A I do not think I did.

Com'r Breckinridge:--The applicant is identified by the pay roll shown by the roll in the possession of the Cherokee Representative present to be on the last of Shawnees, who came to the Cherokee Nation 32 years ago. He states that he has lived in the Cherokee Nation ever since that time, except two years that he lived in Kansas near Kansas City, which was along about 1878 or 1880. He is identified on the Shawnee pay roll of 1896, but he is not identified on the authenticated roll of 1880 or the census roll of 1896. He states that he did not apply for re-admission to Cherokee citizenship after he came back from Kansas. His application for enrollment at this time will be placed upon a doubtful card for further consideration; he being classed as an adopted Shawnee.

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J. O. Rosen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes hereof.

Subscribed and sworn to before me this 19th day of October, 1900.

Commissioner

FILED
OCT 22 1900

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., March 20, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the application of
HUGH BOYLE for enrollment as a citizen of the Cherokee Nation, in-
troduced on part of applicant:

Appearances:

J. H. Keith, Coffeyville, Kans., Atty. for Applicants;
W. W. Hastings, Cherokee Representative.

Case continued from March 6th to March 20, 1902.

JOHN R. WELLS, being duly sworn, testified as follows on
part or applicant:
MR. KEITH:

Q Please state your name, age and place of residence? A John R. Wells.

Q Where do you reside, Mr. Wells? A Lenapah, Indian Territory.

Q How old are you? A 61 or 62 I don't know exactly which.

Q How long have you lived in the Cherokee Nation, Indian Terri-
tory? A Lived here since '71.

Q Are you acquainted with Hugh Boyle, the applicant? A Yes.

Q How long have you known him? A I got acquainted with him in
'83, I think.

Q Did you know his father? A Yes, sir.

Q You know where his father lived in the Cherokee Nation?

A Yes, sir.

Q When did you first know that his father lived in the Cherokee Na-
tion? A In '71, May '71.

Q Hugh was a boy then? A Yes.

Q Where did they live? A They lived down on what is called Tim-
bered Hill, on the Neosho river, southeast of Chetopa.

Q In Delaware district? A In Delaware district.

Q Do you know how long his father lived there? A I do not, I
seen him there in the spring of '71.

Q Then you came there to Lenapah and stayed there, in Cooweescoowee
district? A It was '71 I lived down there and in '72 I moved up
to where I am living now, up there by Lenapah, ~~about 25 miles~~

~~22 miles from where~~

Q That was about 25 miles from where Hugh Boyle's father lived?

A About 30.

Q Then Hugh afterwards in 1883 or 4 came down near where you lived?

A Yes, sir, him and Henry Shoefelt.

Q He came there with Henry C. Shoefelt? A Yes, sir.

Q How long did he stay with Henry Shoefelt? A I don't know; I
seen him there for quite a while and I didn't see him any more
until I seen him in Vinita.

Q You have known him ever since that time? A Yes, sir.

MR. HASTINGS:

Q You saw him when you saw him? A Yes, sir.

Q You say you didn't see him for quite a while afterwards?

A I didn't see him until I went over to Vinita.

Q How long afterwards? A Two or three years.

Q You saw him in the town of Vinita? A Yes, sir.

Q You don't know where he had been during the meantime?

A I saw him at the payment there.

Q You just saw him at the payment there? A Yes, sir.
Q You just say him in '71, and you saw him over there with some man in 1883 and then you saw him Vinita at the payment?
A Yes, sir.

J. H. SHOEFELT, being duly sworn, testified as follows on part of applicant:

MR. KEITH:

Q Please, state your name, age and place of residence? A J. H. Shoefelt, Lenapah.
Q Are you acquainted with Hugh Boyle? A Yes, sir.
Q How long have you known him? A About 20 years.
Q Do you know whether he ever lived with your father, worked for your father in the State of Kansas? A He worked for him up there once.
Q Do you know where he came from, where he came to your place from in Kansas? A He came from the Territory.
Q Where did he go from your father's place at the expiration of 18 months? A Him and my father came down here to the Territory.
Q So far as you know he has been here ever since? A Yes, sir.

MR. HASTINGS:

Q You don't know that he has been here ever since yourself, do you? A No, I haven't seen him all the time; he worked for us up there three or four years after he came down here.
Q When did he come here? A I think him and my father came here in '83.
Q When was the first time you saw him down here in the Cherokee Nation, yourself with your own eyes? A In the spring of '84.
Q That is the first time you saw him here in the Cherokee Nation? A Yes, sir.
Q Before that when you saw him you saw him in Kansas? A Yes, sir.
Q He worked up there anyhow 18 months for your father in Kansas? A He come up there and worked the summer and winter I think he was there.
Q And then after 1883 or 4 he worked for your father three or four years in the Cherokee Nation? A Yes, sir.
Q And then where did he go? A He went over east about Vinita.
Q You don't know where he has lived ever since? A No, sir.
Q Well, how long was it after he first left your place when he worked for you in 1884 or 5 until you saw him again? A Why I could not say; he has been to our place a good many times ever since then; he would be off and gone.
Q Just passing there? A Why he is kinda related to my mother and when he is around there he makes his home with us; he would be off and be gone a while and come back.
Q And made that his home when he was there? A Yes, sir.
Q Fact of the business is he had no home but he just made that a sort of stopping place? A That is all I know of.
Q Was he married? A No, sir.
Q Was he ever married? A I never knew of him being married.

Commission: The attorney for applicant and representative of the Cherokee Nation present submit the case. The same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.


-3-

I, J. O. Hesson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of stenographic notes thereof.

J. O. Hesson

2071

RECEIVED
MAR 27 1902
DEPT. OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 27 1902
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 27 1902

ACTING CHAIRMAN

43.

5647

Cherokee D 647.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Hugh Boyle for enrollment as a citizen of the Cherokee Nation of Shawnee blood.

DECISION.

The record in this case shows that on October 18th, 1900 Hugh Boyle appeared before the Commission at Nowata, Indian Territory and made personal application for enrollment as a citizen of the Cherokee Nation of Shawnee blood. Further proceedings in the matter of said application were had at Muskogee, Indian Territory on March 20th, 1902.

The evidence shows that the applicant is thirty-eight years old; that he is a Shawnee by blood and is identified on the 1896 Cherokee-Shawnee Pay Roll. It also appears, from an examination of the 1871 Register of Shawnees in possession of the Commission, that the applicant and his father, John Boyle, are identified thereon. The applicant came to this country with his parents, John and Catherine Boyle, in May 1871, under the provisions of an agreement entered into by and between the Shawnee Tribe of Indians and the Cherokee Nation of Indians, on the 7th day of June 1869 at Washington, and approved by the President on the 9th day of June of said year.

The evidence further shows that Hugh Boyle is a resident of the Cherokee Nation and that he has resided therein for about thirty years, except for a period of about eighteen months in the years 1884 and '85.

It is, therefore, the opinion of this Commission that Hugh Boyle should be enrolled as a citizen of the Cherokee Nation of Shawnee blood, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats. 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


 Acting Chairman.


 Commissioner.


 Commissioner.

Muskogee, Indian Territory,

this

SEP 20 1902

344

COMMISSIONERS

HENRY L. DAWES
TAMM HIXBY
THOMAS B. NEEDLES
C. R. BRICKKILLER

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

SEEK IN REPLY TO THE FOLLOWING

Cherokee D 647.

ALLEN L. ADAMS
SECRETARY

Muskogee, Indian Territory, September 26, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

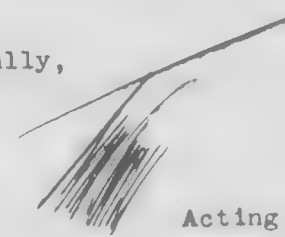
Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Hugh Boyle for the enrollment of himself as a citizen of the Cherokee Nation of Shawnee blood.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. C. No. 43.

Decision

40

347

Hyatt

- (1) Original testimony. Oct 1, 1900.
- (1) Memo. of application. Oct 18, 1900.
- (1) Notice of final consideration. 3/6/02

Recd for testimony

7/7/02

Cher D 648

Cher D 648

DOUBTFUL

Department of the Interior,
Commission to the Five Civilized tribes,
Nowata, I. T. October, 18th 1900.

In the matter of the application of Joseph Davis for the enrollment of himself, wife and three children as Cherokee Citizens. He being sworn before the Commission testified as follows:

Q What is your name? A. Joseph Davis.
Q What is your age? A. 39.
Q What is your post office address? A. Talala.
Q What district do you live in? A. Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q By blood? A. No by intermarriage.
Q For whom do you apply? A. Myself, wife and 3 children.
Q What is the name of your wife? A. Nannie.
Q When did you marry her? A. 1893.
Q Have you a certificate of marriage? A. Yes sir.
Applicant presents duly authenticated marriage license and certificate of marriage certifying that he was married to one Nannie Davis a citizen of the Cherokee Nation on the 15th day of November, 1893.
Q What was her fathers name? A. David Davis.
Q. Is he alive? A. No sir.
Q What was her mothers name? A. Lissie.
Q Is she living? A. Yes sir.
Q What are the names of your children? A. Sanford L. age 5; Leo J. age 4 and Lorena G. age 3.
Q How old is Nancy now? A. 28.
1896 roll page 147, No 1443, Nannie Davis, Cooweescoowee
1896 147 1444 Sanford L. Davis.
1896 147 1447 Leo J. Davis.

Applicant presents satisfactory proof as to his marriage to Nannie Davis in 1893, and the name of his wife is found on the census roll of 1896. He avers that he has three children by this marriage, ~~namely~~ Sanford L. Davis and Leo J. Davis whose names appear on the census roll of 1896. He also avers that he has one child name Lorena G. Davis whose name does not appear on the census roll of 1896, she having been born since that time, and he presents no proof of the birth of this child. He being an intermarried white and the name of his wife Nannie Davis not being found on the authenticated roll of 1880, and her citizenship being in now manner satisfactorily proven, the final judgment as to the enrollment of ~~Joseph~~ Davis as a Cherokee by intermarriage and of his wife Nannie Davis and his children Sanford L. Davis, Leo J. Davis and Lorena G. Davis as Cherokees by blood, will be suspended and their names will be placed on a doubtful card and satisfactory proof must also be presented as to the birth of the youngest child Lorena G. Davis.

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes in said proceedings.

Subscribed and sworn to before me this the 19th of October, 1900.

Commissioner.

D Card 648.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Nowata, I.T. October 19th, 1900.

SUPPLEMENTAL PROCEEDINGS IN THE MATTER OF THE APPLICATION OF JOE
DAVIS FOR THE RECOGNITION OF HIS STATUS, HIS WIFE AND CHILD)---D CARD 648.

Nannie

MINNIX DAVIS, being sworn and examined by Commissioner T. T. Needles,
testified as follows:

Q What is your name? A Minnie Davis, Fannie Davis.

Q Are you on the 1880 Roll? A Yes, sir; my name was Davis
then. My name was Davis before I was married. I was about seven or
eight years old when I was taken with my father.

Q What was your mother's name? A Lizzie Kern, before she
married.

Q What was her name in 1880, twenty years ago? A She was a
white woman; her name was Burtoff.

Q What district were you in twenty years ago? A Canadian
District.

Q Were you in Illinois District? A No, sir. I never reg-
istered only there. Went to get the old settler's money. I was reg-
istered in Canadian District when I was about seven or eight years old.

Q Did you know John Burtoff? A I have a brother by the name of
John.

Q Do you recollect about how old he was in 1880? A He was
three years old when he died.

Q How old was he? A I don't know what year it was that
he died.

Q How old are you now? A Twenty-eight years old.

Q Do you know J. B. Davis? A Papa's name was registered
David Davis in 1880, and Grandpapa's name was John Porum Davis. His
name is right there somewhere too.

Q Where did you live with in 1880? A With my mother, Lizzie
Burtoff and before she married Richard Richard Crossland. No, I wasn't
with my father at the time of the registering. I was staying with my pa-
pa then.

Q How old would your father be now if he was alive? A I don't
have any idea how old he would be. My mother is 53 and I think he was
two or three years older than my mother.

1880 Roll, page 14, No. 375, Nannie Davis, Canadian District..

The undersigned, being sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
testimony and other proceedings at the supplemental hearing of this
application at the time and place above mentioned, and that the foregoing
is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 19th day of October A. D. 1900

Commissioner.

RECEIVED
EMPLOYERS TO THE FIVE CIVILIZED TRIBES
FILED
OCT 24 1900

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C. D-448

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 15, 1908.

SUPPLEMENTAL PROCEEDINGS, in the matter of the application of Joseph Davis for the enrollment of himself as a Cherokee citizen.

Appearances:

W. W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 27th, 1908, that his application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the 15th day of March, 1908, and that on said date he would be permitted to appear in person or by attorney when an opportunity would be given him to introduce any additional testimony affecting his application.

On this the 15th day of March, 1908, applicant having been called, and failing to respond, either in person or by attorney, this case is deemed completed and same will be reported to the Commission for final decision based upon the evidence now of record.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M. D. Green

C20648

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 31 1892

ACTING CHAIRMAN

Handwritten signature

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 26, 1902.

In the matter of the application of Joseph H. Davis for the enrollment of himself and others as citizens of the Cherokee Nation.

The applicant this day appears in response to a letter under date of June 5, 1902, from the Commission requesting him to appear and introduce further evidence relative to the residence of himself, wife and children in the Cherokee Nation. Applicant appears in person; Cherokee Nation by W. W. Hastings.

Joseph H. Davis, being sworn and examined by the Commission, testified as follows:

Q What is your name? A Joseph H. Davis.

Q How old are you? A I am thirty years old.

Q What is your postoffice address? A Ramona, Indian Territory.

Q Where were you born? A I was born in Hot Springs, Arkansas.

Q Do you claim citizenship by blood or by adoption? A By adoption.

Q What is the name of your wife? A Her name was Davis before she and I were married.

Q What is her given name? A Nannie.

Q Where was she born? A In Texanna, Cherokee Nation.

Q When were you married to her? A In '93, November.

Q How long did you know her prior to your marriage? A A couple of years.

Q Where was she living during that time prior to your marriage?

A She lived at Webbers Falls about a year before we were married.

Q Where have you and your wife and children been making your home since your marriage in '93? A On Big Caney, Cherokee Nation.

Q Have you been outside of the Cherokee Nation for the purpose of making your home since 1893? A No sir.

Q Has your wife lived with you all that time? A Yes sir.

Q Were your children all born in the Cherokee Nation? A Yes sir.
W. W. Hastings: Have you ever lived outside of the Cherokee Nation at all since '93? A Yes sir, a short time.

Q How long? A About three months I guess.

Q Where? A At Tulsa, a part of the time in the Cherokee Nation then.

Q Have you ever lived outside of the Indian Territory? A Only once to see my mother on a short visit.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 26th day of June, 1902.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 28, 1903.

In the matter of the application of Joseph Davis for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Nannie Davis, and children, Sanford L., and Leo J. and Lorena G. Davis, as citizens by blood of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Joseph Henderson Davis.
Q How old are you, Mr. Davis? A Thirty-one.
Q What is your postoffice address? A Ramona at the present.
Q When you made your original application it was Talala was it?
A I believe it was.
Q Are you an applicant for enrollment as an intermarried citizen of the Cherokee Nation? A Yes sir.
Q What is your wife's name? A Nannie Davis before we were married.
Q So you didn't change her name any? A No sir, didn't change her name.
Q Is she living? A Yes sir.
Q Is she a Cherokee by blood? A Yes sir.
Q Recognized as such? A Yes sir.
Q When were you married to your wife, Nannie? A We were married in September, '93.
Q Were you married under a Cherokee license? A Yes sir.
Q Had you ever been married prior to ~~your~~ marriage to your wife, Nannie? A No sir.
Q Had she ever been married prior to her marriage to you? A No sir.
Q Have you and she lived together as husband and wife since your marriage up until the present time? A Yes sir.
Q You never have been separated since your marriage? A No sir.
Q You and she living together as husband and wife on the first day of September, 1902? A Yes sir.
Q Have you lived in the Cherokee Nation all the time since your marriage to your wife in '93 up until the present time? A Not quite all the time.
Q Where have you lived part of the time? A I lived here one year.
Q In the Creek Nation part of the time? A Yes sir.
Q For one year? A Not quite a year.
Q Have you lived all the time in the Indian Territory since your marriage? A Yes sir, I was in Tulsa pretty near a year; I lived in the Cherokee Nation and did my business in the Creek Nation.
Q How long has your wife, Nannie, lived in the Cherokee Nation? A She was born and raised here.
Q Has she lived in the Cherokee Nation all the time with the exception of the year you lived in the Creek Nation? A She went to school one year at Fort Smith.
Q These children, Sanford L., Leo J. and Lorena G., are your children by your wife, Nannie? A Yes sir.
Q Are they all living now? A Yes sir.
Q They have lived all the time with you and your wife? A Yes sir.
Q Lived in the Cherokee Nation all their lives? A Yes sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me
this 28th day of November, 1903.


Notary Public.

-2-

be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 25, 1898 (30 Stat., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tame Dixby.

Chairman.

(SIGNED).

T. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

(SIGNED).

W. E. Stanley.

Commissioner.

Witness my hand and seal, at Washington, D. C.,

the 1st day of JUN 1 - 1903

COMMISSIONERS

JAMES BIXBY
THOMAS B. NEEDERS
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYERWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-648

Muskogee, Indian Territory, July 8, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1903, granting the application for the enrollment of Hannie, Sanford L., Leo J. and Lorena C. Davis, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case. If you fail to file protest within time allowed this decision will be considered final.

Respectfully,


Commissioner in Charge.

Enc. D-19

W 61

Joseph Davis
et al

Transferred to Cherokee 10274

- A. Original testimony. Oct 13 1900
- B. Memo of application. Oct 14 1900.
- C. Marriage license and certificate.
- D. Supplemental testimony. Oct 19 1900
- E. Letter enclosing aff. and of birth
- F. Affidavit of birth Lorena G Davis

Notice of final consideration, 3/15/02

OCT 26 1907

E

Cher D 649

Cher D 649

Applicant **REJECTED**.
Children **DOUBTFUL**.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., OCTOBER 19th, 1900.

In the matter of the application of Etta Hunt for the enrollment of herself and children as citizens of the Cherokee Nation; said Hunt being sworn by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your full name? A Etta Hunt.
Q How old are you? A 25.
Q What is your present office? A Nowata.
Q Do you live in Cooweescoowee district? A Yes, sir.
Q Who is it you want to have put on the roll? A Myself and two children.
Q Are you Cherokee by blood? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Always.
Q All your life? A Yes, sir.
Q Give me the name of your father? A William Butler.
Q Is he dead or alive? A He is dead.
Q Give me the name of your mother? A Mary.
Q Is she dead or alive? A Dead.
Q When were you married? A I have been married ten years.
Q To whom were you married? A James Purdue.
Q Have you been married more than once? A Yes, sir.
Q Married first to James Purdue? A Yes, sir.
Q Was he a white man or Cherokee? A Cherokee.
Q Is he dead or alive? A Dead.
Q When did he die? A Been two years.
Q Have you married since that? A Yes, sir.
Q What is your present husband's name? A S. W. Hunt.
Q Is he a white man? A Yes, sir.
Q Give me the names of your children? A Elizabeth.
Q How old is that child? A Eight years old.
Q Give me the name of the next one? A William Henry.
Q How old is that child? A Seven years.
Q Both named Purdue? A Yes, sir.
Q Both living now? A Yes, sir.
1880 enrollment; page 740, #294, Wm. R. Burtler, Tahlequah.
1896 enrollment; page 319, #777, Etta Purdue, Cooweescoowee.
1896 enrollment; page 228, #3644, James Purdue, Cooweescoowee.
Q How old was your husband, Purdue, when he died? A I guess about 30.
1880 enrollment; page 712, #435, James Purdue, Sequoyah.
Q Have you a certificate of your marriage to your last husband?
A No, sir.
1896 enrollment; page 228, #3645, Addie Purdue, Cooweescoowee.
1896 enrollment; page 228, #3646, Wm. H. Purdue, Cooweescoowee.
Q Was your first husband ever married except to you? A No, sir, not as I know of.
Q Is was your first husband? A Yes, sir.
Q You have only been married these two times? A Yes, sir.
Q Is your present husband a white man? A Yes, sir.

Com'r Breckinridge:--The applicant applies for the enrollment of herself and two children. She applies as a Cherokee by blood. She is 25 years of age. She is not identified on the roll of 1880. She states that her mother died 24 years ago. Her father is identified on the roll of 1880 with the applicant's stepmother. There is a lack of evidence that her mother was a Cherokee or regularly married to her father. The applicant is identified under the name of her first husband on the roll of 1896 as an intermarried white. The husband she claims at this time is identified on the roll of 1880 as a native Cherokee, and he is identified with her on the roll of 1896. He is now dead.

Etta Hunt--2.

The applicant has since married since her first husband's death to a white man. She therefore has lost her right of enrollment as a and the application for her enrollment will be REJECTED.

The two children named in the testimony are identified on the roll of 1896, with their parents. They will now be listed upon a doubtful card as Cherokees by blood, to await a certificate of marriage between the applicant and her first husband. Both children are living at this time.

---ooo000ooo---

J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Reason

Subscribed and sworn to before me this 19th day of October, 1900.

[Signature]
Commissioner

5648

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 22 1908

[Handwritten signature]

ACTING CHAIRMAN

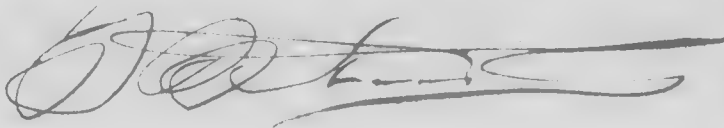
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Supl.-C.D.#649.

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 6, 1902.

SUPPLEMENTAL in the matter of the enrollment of ELIZABETH PER-
DUE, ET AL., as citizens of the Cherokee Nation:

The applicant's mother, Etta Hunt, was notified by registered letter February 15, 1902, that her application for the enrollment of her two children, Elizabeth and William H. Perdue, would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902, and that she might on said day appear before the Commission either in person or by attorney when an opportunity would be given her to introduce any further testimony affecting her application. Receipt has been acknowledged of Commission's letter. The applicant having this day been called and failing to respond either in person or by attorney, it is directed that the same be closed, and that the same be reported to the Commission for final decision based upon the evidence now of record.



Commissioner.

J.O.R.

Cherokee D 649
Cherokee 10076.

A.T.M.C.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Elizabeth and William Henry Purdue as citizens by blood of the
Cherokee Nation.

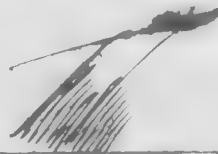
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O R D E R .

The records of this Commission show that on October 19,
1900, at Nowata, Indian Territory, application was made for the
enrollment of Elizabeth and William Henry Purdue, as citizens by
blood of the Cherokee Nation, and that said applicants were duly
listed for enrollment on Cherokee Doubtful card No. 649.

The records of the Commission further show that said
applicants are the children of James Purdue, deceased, and Etta
Hunt; that the said James Purdue, deceased, is duly identified
on the Cherokee authenticated tribal roll of 1880, and Cherokee
census roll of 1896; that the said Etta Hunt is included in a
partial roll of Cherokees by blood approved by the Secretary of
the Interior on May 6, 1903, opposite No. 26757; and that the
said applicants herein were born since 1880, have continuously
lived in the Cherokee Nation since birth, and are identified on
the Cherokee census roll of 1896.

It is, therefore, ordered that the enlistment for the
enrollment of Elizabeth and William Henry Purdue, on Cherokee
Doubtful card 649 be cancelled, and that said applicants be list-
ed for enrollment on Cherokee Straight card No. 10076.



Commissioner

Dated at Muskogee, Indian Territory,
this JAN 26 1905

~~Elizabeth Fendue~~

~~(1) Original testimony Oct 19 1900~~

~~(2) Memo of application Oct 19 1900~~

~~Notice of final consideration 3/6/02~~

~~See closing testimony below~~

~~T~~

~~Elizabeth Fendue~~

~~10 12 00~~

~~10 12 00~~

Cher D 650

Cher D 650

Department of the Interior.
Commission to the Five Civilized Tribes.
Nowata, I. T., October, 19, 1900.

In the matter of the application of Leander A. Keys for enrollment as a Cherokee citizen; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What's your name? A 42.
Q What's your postoffice address? A Nowata, I.T.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A By intermarriage.
Q For whom do you apply for enrollment? A Myself.
Q What was the name of your wife? A Mary J. Keys.
Q When were you married to her? A In '78.
1880 roll; page 127, #1626, T. A. Keys, Cooweescoowee.
1896 roll; page 318, #578, Leanda A. Keys,
Q How long have you lived in the Cherokee Nation? A About 30 years.
Q Continuously? A Yes sir.
Q Living here now? A Yes sir.
Q Are you living with your wife? A No sir.
Q Are you divorced from her? A No sir.
Q You say you are not living with your wife? A No sir.
Q What's the cause? A I claim she abandoned me. I am supporting her.
Q How long since you and her separated? A She left about one year ago now. She left with my consent, but refused to return when the time was up.
Q Why did she leave? A She went off for her health.
Q And refused to return? A She returned, but we were separated through the mail before she returned.
Q By agreement? A Yes sir.

J. C. Starr, representative of the Cherokee Nation:

- Q Who lives at the home where you and she lived before you separated.
A She lives there. We divided the property and she took it as her home. She moved my effects away from home without my consent or knowledge.

Commissioner-

The name of Leander A. Keys appears upon the authenticated roll of 1880 by the name of T. A. Keys, and upon the Census roll of 1896 as Leanda A. Keys. He avers that he is not living with his wife and she abandoned him. Here comes the Cherokee Nation by its representatives and protests against the enrollment of said Leander A. Keys, said protest being based upon Section 667 of the laws of the Cherokee Nation in the revision of 1898. Said representative also refers to the testimony of his wife, Mary J. Keys, taken when she applied for enrollment of herself, she being a citizen by blood; consequently, final judgment as to the enrollment of the said Leander A. Keys as a Cherokee citizen by intermarriage, although his name appears and is identified on the roll of 1880, is suspended and his name will be placed upon a doubtful card.

E. G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

Subscribed and sworn to before me this 19th day of October, 1900.

Commissioner.

DEPARTMENT OF
COMMISSION TO THE FIVE COUNTRIES

FILED
OCT 22 1900

ALFRED CHAIRMAN

2598

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Newata, I.T. October 19th, 1900.

SUPPLEMENTAL PROCEEDINGS IN THE MATTER OF THE APPLICATION OF
LEANDER A. KEYS---D. Card 680.

MARY KEYS, BEING SWORN AND EXAMINED BY COMMISSIONER T. H. NEEDLES,
testified as follows:

Q What is your name? A Mary Keys.

Q What is your age, Mrs. Keys? A Thirty-eight.

Q What is your post office address? A Newata.

Q Were you the wife of Leander Keys? A Yes, sir.

Examination by Mr. Gale Starr, Representative of the Cherokee Nation.

Q Mr. Keys testified this morning that you abandoned him. What
can you say about it? A I did not.

Q What was the cause of the separation? A I don't know.
He left home and taken his clothes and moved to the store, and he is
there yet and I am at home.

Q Did you go off for your health? A Yes, sir; I did.

Q Did he request you to return and you refused? A No, sir; I
didn't refuse.

Q You came back? A Yes, sir; I came back just as quick as I was
able to come home.

Q You came back to the home where you live and he left? A Yes,
sir.

Q Has he any cause for leaving you? Not that I know of.

CROSS-EXAMINATION ---by J.A. Tillotson, Counsel for Leander A. Keys.

Q When did you go away for your health? A The 24th of October.

Q What year? A In 1899, last year.

Q How long did you intend to be gone when you went away? A I
didn't know; there was no time permanently set; it was owing to my
health.

Q Did he send you money to come back home on? A He sent me
money whenever I needed it all the time.

Q Did you come home? A I came home just as quick as I was able
to come home, at the doctor's request.

Q You say he moved to the store. Who moved his things to the
store? A He did himself.

Q Isn't it a fact that you moved them out without his knowledge
or consent? A No, it is not. He moved them himself with his own
delivery.

Q I will ask you if it is not a fact that you moved some of
his things to the store from the house without him knowing it? A I
did not; no, sir. He sent these things and he got them; I didn't even
load them; I didn't even pack them. I never told him to go at all.
He left with his own request.

Q I will ask you if it is not a fact that you made an agreement
by letter, a mutual agreement, to separate while you were gone? A He
asked me to make that agreement.

Q I will ask you if it is not a fact that you did make that
agreement by letter while you were gone, that you were to separate?

A He asked me-----

Q (interrupting) That is not what I asked you. Didn't you
make that agreement, you and him, by letter? A No, I did not. He-----

Mr. J.A. Tillotson: (Counsel for Leander A. Keys) (interrupting)
I will ask that that be taken down just as she says it, in her own words.

10
She says: "No, I did not." You state now positively that you did not
write him a letter making a mutual agreement to separate while---
THE COMMISSIONER: (interrupting) I think she has a right to explain.
I think she has answered that.
THE WITNESS: No, I did not. No, sir. He wrote me a letter re-
questing such a thing, and I simply answered his questions by letter.

Witness excused.

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The undersigned, being sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the supplemental
testimony and other proceedings in this application for enrollment, and
that the foregoing is a correct and complete transcript of his stenograph-
ic notes thereof.

Subscribed and sworn to before me this 19th day of October A. D.
1900.


Commissioner.

Supl.-C.D.#450.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 6, 1902.

SUPPLEMENTAL in the matter of the enrollment of LEANDER A. KEYS as a citizen of the Cherokee Nation:

The applicant and his attorneys were notified by registered letter February 15, 1902, that the application of Leander A. Keys for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902. The applicant this day, to-wit: the 6th day of March, 1902, appears in person and by his attorneys, Chase & Tillotson, Nowata, Indian Territory.

Mr. W. W. Hastings, Cherokee Representative, present.

The attorneys for the applicant and representative of the Cherokee Nation present submit the case, and the same is ordered closed and reported to the Commission for a final decision based upon the evidence now of record in addition to a certified copy of the decree of divorce in a suit now pending in the Court at Wagoner, Indian Territory, between the applicant, Leander A. Keys, and his wife, Mary J. Keys. A copy of said decree to be filed herewith and made part of the record as soon after the same is rendered as possible.



Commissioner.

R.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, June 27th, 1902.

In the matter of the application of Leander A. Keys for the enrollment of himself as a citizen by intermarriage of the Cherokee nation.

Supplemental to D 650.

Appearances:

J. A. Tillotson for Applicant.
W. W. Hastings for Cherokee nation.

By Mr. Tillotson:

The applicant offers in evidence a certified copy of the decree of divorce granted to Leander A. Keys by the United States Court for the Northern District of Indian Territory, sitting at Vinita.

By Mr. Hastings:

The Cherokee nation reserves the right to file a certified copy of subsequent proceedings in this case had in the United States Court at Vinita, Indian Territory, the representative of the Cherokee nation having been advised by W. T. Hutchins, one of the attorneys for Mary J. Keys, the defendant in this divorce case, that he desired to file some exceptions to the Master's report in said case and that he did not know that the same had been called up by the United States Court at Vinita, and that he had given notice to the attorneys representing Leander A. Keys that he would take steps to have this decree set aside on Monday, June 30th, 1902, at Vinita, and the Cherokee nation desires to file a certified copy of the final action of the Court, had in this case.

By the Commission:

The attorney for the Cherokee nation will be granted 30 days in which to furnish the Commission with certified copies of the proceedings had in the divorce trial in the case of Leander A. Keys vs. Mary J. Keys.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission ~~the~~ the Five Civilized Tribes he correctly recorded the proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this day of July, 1902.

Jesse O. Carr
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 28, 1902.

In the matter of the application of LEANDER A. KEYS, for
enrollment as a citizen by intermarriage of the Cherokee Nation:

Appearances:

J. A. Tillotson, Esq., for applicant;
J. C. Starr, for the Cherokee Nation;

LEANDER A. KEYS, called as a witness, being duly sworn by
the Commission, and examined, testified as follows:

Q What is your name ? A Leander A. Keys.
Q What is your age ? A Forty four years old.
Q What is your post office address ? A Nowata, I. T.
Q Are you an applicant before this Commission for enrollment as
a citizen by intermarriage of the Cherokee Nation ? A Yes sir.

Examined by J. A. Tillotson:

Q Where do you reside ? A Nowata, Indian Territory.
Q How long have you lived there ?
A About ten years last spring.
Q Are you a married man ? A No sir.
Q How do you claim your citizenship ? A By marriage.
Q When ? A Let's see. I was married, I believe, in 1878.
Q To whom were you married ? A To Mary J. Martin.
Q What was her citizenship ? A She was a Delaware by blood.
Q How long did you live together ? A We lived together until
February, about three years ago, last.
Q Are you now living together ? A No sir.
Q State what caused the separation ? A She went away for her
health, and then when she come back she refused to live with me.
Q State what she did ?
A I met her at the train when she come back, and she met me rather
insulting, and on her way to the house from the train, I asked her
for an explanation of some letters I had received while she was
away, and she said she had no explanation to make. When we got
home I went into the room and retired and she came in and after a
while she got in at the foot of the bed, and I told her if that was
her desire, she could have the whole bed, and I got up and went to
the store to sleep.
Q Did you go back to your house for your meals ?
A I went back for a week or so, and she ordered me away from the
table several times and finally sent my goods to the store by this
colored boy Fred Royal.
Q Did you at any time send to your house for the things ?
A No sir, I did not.
Q Did you know that they were going to be sent to you until they
arrived ? A I did not. I asked the boy what he had and he
said he had my goods, and I asked him who told him to bring them
down, and he said Mrs. Keys.
Q State, in a general way, Mr. Keys, how you provided for your
wife ? A I always provided for her as well as any man in my
circumstances. She never had to work any unless she felt like
it. She went where she pleased and I gave her money to go on.
She dressed as well as the average woman of the country.
Q You applied for a divorce did you ? A Yes sir.
Q Where at ? A It was brought in the Waggoner court and
transferred to the Vinita court.
Q What was the result of that ? A I was granted a divorce
on the ground of desertion and indignities, I think.

Mr. Tilletson: Applicant herewith introduces as evidence in this case, as per former agreement between the attorneys for applicant and attorneys for the Cherokee Nation, a certified copy of the decree of divorce granted to applicant in the United States Court for the Northern District of the Indian Territory, sitting at Vinita.

The Commission: The document will be filed.

FRED ROYAL, called as a witness, being duly sworn and examined testified as follows:

- Q What is your name ? A Fred Royal.
Q What is your age ? A I am twenty eight years old.
Q What is your post office address ? A Nowata, I. T.

Examined by Mr. Tilletson:

- Q Where do you reside now ? A Nowata.
Q Are you acquainted with Mr. Leander A. Keys ? A Yes sir.
Q How long have you known him ?
A I have been knowing him ever since I have been knowing myself.
~~He raised me on up to be a man.~~
Q For whom were you working in February, 1900 ?
A Working for Mr. Keys.
Q Do you know Mary J. Keys ? A Yes sir.
Q Do you remember about the time the applicant and Mary J. Keys separated ? A Yes sir.
Q Did you haul any goods from their home to Mr. Keys' store down town ? A Yes sir.
Q State who had you to haul those goods, and what they were ?
A Well, Mrs. Keys had me to haul them down there. She told me, she says "Fred, after dinner I want you to take Keys' things down to him".
Q What else did she say, if anything ?
A She never said anything else right at that time. When I got ready to start, she come to the door and said "Fred you hook up the delivery wagon I want you to take Keys' things down there".
Q Did Mr. Keys, at any time, ever ask you to bring those things down there ? A No sir.
Q Did he know that you were going to bring those things down ?
A No sir.
Q What things did you take down, if you remember ?
A I taken down all his clothes and some bed clothes, and something else, I disremember just what it was, but something else.
Q I will ask you if you heard her say, on or about that time, that she didn't want Mr. Keys around there any more, and wanted you to take his things down to the store to him ? A Yes sir.
Q Was that at the place where they were living at the time ?
A Yes sir.

Examined by J. C. Starr:

- Q Who paid you for taking those things to Mr. Keys ?
A I was working for Mr. Keys. I was driving the delivery wagon.
Q Mr. Keys had left his home before that ?
A He had been there that day for dinner.
Q Does Mrs. Keys continue to live there now ? A Yes sir.

By the Commission: Fred, why was it she happened to send these clothes down to him? A I can't say.

Q All you know is that she called you in and told you to carry the clothes down there?

A Yes sir.

The Commission: This testimony will be filed as supplemental to the record in the matter of the application of Leander A. Keys for enrollment as a citizen by intermarriage of the Cherokee Nation, Cherokee D 650.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell
Subscribed and sworn to before me this September 5, 1902.

B. Jones
Notary Public.

CHINA

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CHINA

1911

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., September 15, 1902.

In the matter of the application of Leander A. Keys for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Cherokee Nation appears by J. C. Starr.
Applicant appears by J. A. Tilletson, Nowata, I. T.

Supplemental proceedings on behalf of applicant.

LIZZIE PITTSSENBERGER, being sworn, testified as follows:

By Mr. Tilletson,

- Q Give your name? A Lizzie Pittsenberger.
Q Your age. A Forty-five.
Q And residence? A Cherokee Nation.
Q Postoffice. A Alluwe.
Q Are you acquainted with Leander A. Keys and Mary J. Keys?
A Yes, sir.
Q Do you remember the circumstance of them having separated at one time? A Yes, sir.
Q About when was that that you remember? A It is three years this fall. In the spring -- wasn't it in the spring she went to Hot Springs?
Q I will ask you if you ever worked for them? A Yes, sir.
Q Were you working for them at the time they separated? A Yes, sir.
Q Did you ever hear Mrs. Keys order Mr. Keys away from home?
A Yes, sir, she also ordered his goods to be taken away.
Q Who did she order to take the goods away? A The darkey, Fred Royal.
Q What did she say, if you remember, at the time she ordered this darkey to take these goods away? A She told him she wanted him to take them away. She didn't want them there any more.
Q Did she say anything concerning him at that time? A She said she didn't want his things there; she was tired of them in her way.
Q Did you hear her at anytime order him away from home? A Yes, sir, she said she wanted him to get another boarding place, she was tired of boarding him.

By Mr. Starr,

- Q At the time they separated, he was boarding, was he? A No, that was from Monday to Friday.
Q That was after she returned from Hot Springs? A No, sir.
Q Do you know anything about the cause of the separation? A No, sir.
Q You just knew about Mr. Keys taking his things away after they had separated and he was boarding at Mrs. Keys? A Yes, sir.

By the Commission.

- Q Are you acquainted with Leander Keys at the present time?
A Yes, sir.
Q Where does he live now? A In Nowata.

Q Does ^{you} live in Nowata now? A No, about six miles from Nowata.
Q Do you know whether or not he has married since he was divorced
from this woman? A No, sir, he is not married.

Retta Chick, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the foregoing application, and that the above is a true and complete copy of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 13 day of October, 1902.

B. O. Jones

Notary Public.

RECEIVED
OCT 13 1902

Cherokee D 650.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, I. T., September 15, 1902.

In the matter of the application for the enrollment of
Leander A. Keys as a citizen by intermarriage of the Cherokee Nation.

J. A. TILLOTSON, being sworn, states: Age, 35; residence,
Nowata, Indian Territory; I know Leander A. Keys and know that he
has not married since obtaining a divorce from Mary J. Keys.

Retta Chick, being first duly sworn, states that as
stenographer to the Commission to the Five Civilized Tribes, she
recorded the foregoing statement, and that the above is a true and
complete transcript of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 13 day of October, 1902.

W. B. Jones

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., December 2, 1898.

In the matter of the application of Leander A. Keys for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

- Q What is your name, please? A Leander A. Keys.
Q What is your postoffice? A Nowata, I. T.
Q What is your age at this time? A Forty-three.
Q Are you an applicant for enrollment as an intermarried citizen of the Cherokee Nation? A Yes sir.
Q What is your Cherokee wife's name? A My wife was a Delaware; her name was Mary J. Keys.
Q She was a Cherokee citizen of Delaware blood was she? A Yes sir.
Q When were you married to her? A I believe about '79 I guess; it was '78.
Q Was she your wife in '80 when the 1880 roll was made? A Yes sir.
Q You are on the 1880 roll with her as her husband? A Yes sir.
Q Had you ever been married before you married this wife? A No sir, never.
Q Had she ever been married before she married you? A No sir.
Q Have you lived in the Cherokee Nation continuously since 1880 up until the present time? A Yes sir, always.
Q Have you and your wife lived together as husband and wife from 1880 up until the present time? A No sir.
Q You separated? A Yes sir.
Q When were you separated? A I think about three years ago this fall, this winter.
Q Where were you living when you separated? A At Nowata.
Q In the town of Nowata? A Yes sir.
Q What was the cause of your separation? A Well, really, she abandoned me.
Q How did she abandon you? A By moving my things away from the house and forbidding me to come there.
Q She moved your things away and forbid you to come to the house? A Yes sir.
Q Did she send your things away from the house while you were absent from the house? A While I was absent from the house.
Q Where were you at the time your things were sent away from the house by her? A I was at the store.
Q You were running a store? A Yes sir.
Q Had you been stopping at the house with her up until that time? A Yes sir.
Q You weren't getting along pleasantly before that were you? A No sir.
Q She didn't send those things down to the store at your request did she? A No sir.
Q You still intended to live there at the house with her up until the time she sent your things away or forbid you to come to the house? A I don't know what I would have done in a case of that kind.
Q Things weren't pleasant at home? A I don't know - if she hadn't done the right thing by me I don't know what I would have done.
Q How long had your relations with your wife been unpleasant before you actually separated there? A She had been away to Hot Springs for about five or six months and while she was away things occurred that I asked an explanation of on her return, and she refused to grant it, and she ordered me away from the house when she did return, and during my absence she moved my clothing away,

3-Leander A. Keyes-

my goods away.

Q Isn't it a fact that you made a proposition to your wife that you and she would separate before this? A No sir.

Q You never made no such proposition as that? A No sir, I don't think we did. We made a contract after she moved my things away for a division of the property; that was after my things were moved.

Q That was after the separation? A Yes sir.

Q Before she came home and while she was away at the Springs didn't you write her a letter that you and she had better separate?

A I wrote her a letter; we had several unpleasant letters, but I don't know just exactly the contents of them.

Q Up until the time she went to the Springs for her health there your relations with your wife had been pleasant enough, as pleasant as usual between the ordinary man and wife, were they not? A Yes sir.

Q What caused this unpleasantness, something on her part or your part? A Well sir, it was on her part; I got some letters from other men and discovered some envelopes from some other parties in Colorado Springs and they were marked personal, and I asked her for an explanation of the matter when she returned. I wr to to her about it while she was at the Springs.

Q The unpleasantness was caused by your discovering letters which had been written to her by other men? A Yes sir.

Q And when you asked for an explanation she refused to give it?

A Yes sir, and she refused to return from Hot Springs when she agreed to.

Q Since you separated have you been divorced? A Yes sir.

Q Who filed the application for the divorce? A I did.

Q What Court did you file it in? A I believe it was filed in Wagoner Court.

Q United States Court of that District? A Yes sir, and then it was removed I think to the Vinita Court.

Q When was the divorce granted? A I don't recollect; there were about two or three divorces granted; there was one granted and then set aside and then they granted another.

Q You have been finally divorced haven't you? A Yes sir.

Q When was the last one granted? A I don't remember the dates.

Q About how long ago has it been? A I guess it's been possibly three or four months ago.

Q Wasn't it the last spring term of Court at Wagoner, it wasn't this last term? A It wasn't granted at Wagoner.

Q I mean Vinita, the last spring term? A They had a continued term there and lasted pretty near all summer, and it was during that term of Court, but I don't remember the date.

Q Some time last summer was the final date of it? A Yes sir.

Q Well now, before you filed a divorce proceeding you had made a written agreement with your wife with reference to what? A With reference to the division of our property.

Q Was there anything special provided for in that agreement except the division of the property between you? A Well, I was to look after the children.

Q Was there anything said in that agreement about a divorce? A I don't think there was.

Q Have you a copy of that agreement? A No, I haven't.

Q Didn't you retain a copy of it at the time? A Yes sir.

Q What became of the copy? A I kind of think it was in the divorce papers.

Q Could you procure a copy of it and send it to the Commission by writing to the Clerk up there? A I declare I don't know.

3-Leander A. Keys-

Q If it is on file you can, I can tell you that? A I can furnish it to you.

Commission: We would like a copy of it.

Q Now, Mr. Keys, since you separated from your wife and been divorced have you remarried again? A No sir.

Q Were you still a single man on the first of September, 1902?

A Yes sir, and am yet.

Q And you have never had any other wife during your lifetime except this wife, Mary? A No sir, never; I was married when I was twenty years old.

W.W.Hastings: What was the matter with your wife, did she have Rheumatism when she was sent to Hot Springs? A Yes sir.

Q You stated a moment ago that she didn't return as soon as you anticipated? A No sir.

Q Isn't it a fact that in a number of those letters that you begged her to stay even longer than she did? A Well, at one or two times I did, I am sure, but then I asked her later on to return and she refused to return until she got ready.

Q How long was she gone? A About six or seven months.

Q How long was it that you asked her to return before she came?

A I don't know, I had written to her to return and she never returned until after my daughter wrote to her to return.

Q Is your daughter married? A Yes sir, she is now, but she wasn't then.

Q Did she give any reasons why she didn't return, wasn't it on account of her ill health? A Well, at the time she was to return she claimed she hadn't improved any in her letter to me, and I wrote to her if she hadn't improved any she better return and if she wasn't any better she better come, she had been there six or seven months and if she didn't feel any improvement in that time she had better come home and after that she told me in a letter she was almost well, and I didn't like the thing, it didn't sound exactly right.

Q Upon her return there, was that the first time you ever asked her for an explanation with reference to correspondence between her and some other men? A I wrote to her in regard to it.

Q Did you read any of those letters that were written to her by other parties? A I read one of them and there were three envelopes that I found that she had received before she went away and they were in a gentleman's handwriting and marked personal; they never came through my mail box, and were delivered to her by some person and had Nowata postmark on them and were mailed at Colorado Springs.

Q I will ask you what ground you set up in your complaint for divorce? A Desertion and indignities.

Q It wasn't granted on desertion was it? A Yes sir, on both.

Q It was granted on both? A Yes sir, I think it was; I am quite confident it was.

Q How long has she been back from Hot Springs now; when did she come back? A She came back in February.

Q What year? A Three years ago; I think it was three years ago.

Q Did you meet her at the train when she came back? A Yes sir.

Q How long did you and she live together as husband and wife after her return? A We didn't live together at all.

Q Did you go home with her from the train? A Yes sir.

Q Did you then renew your request for an explanation at that time? A Yes sir.

Q On the same day, upon her return? A Yes sir, that very time on the road home.

4-Leander A. Keys-

Q And she didn't give it and you left? A No sir, I went home and went to bed and she started to get in the bed at the foot and I told her if she couldn't sleep like a wife ought to I would go to the store, and I went to the meat store and slept and I came to my meals regularly and she ordered me away from the table from home two different times within a week, and in my absence she sent my clothing to the store.

Q That was after you had quit sleeping at home? A Yes sir.

Q She got in bed as you indicated after your talk with her and after your little family quarrel about this correspondence? A Yes sir. I asked her to make an explanation.

Q Did you leave that same night? A Yes sir.

Q And you never slept there anymore? A No sir.

Q Well, was this question of her having correspondence with other parties one of the subjects of inquiry before the Court in this divorce proceeding? A Yes sir.

Q Was the names of the parties who wrote these letters to your wife, etc., given in the testimony, was that inquired about? A Well, I never knew who wrote the letters from Colorado Springs for the letters were destroyed for I only got the envelopes. I proved there that by one witness that she had had her address envelopes to a gentleman in Colorado Springs; that affidavit is on file with the Dawes Commission; it ought to be; it was with the Court.

Q Was the person to whom she wrote any relation of hers? A No sir, none whatever.

Q Had you known him before? A I knew it after I made inquiries about it.

Q You weren't personally acquainted with him? A I knew the party that addressed the letter for her.

Q The party to whom she wrote did you know him? A No sir, I didn't know him at all; I don't know his name to-day. She gave his name on the stand I think, but I don't remember what it was; she gave it on cross-examination.

Q You say that she ordered you away from the table? A Yes sir.

Q How long was that after her return? A Some time during the week, possibly two or three days and may be the next day; she ordered me away a couple of times.

Q You say this divorce suit has been finally settled now? A Yes sir.

Q She remained at the house where you formerly lived and you went to living over your store or about your store? A Yes sir. The testimony in the divorce case ought to be here.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. G. Rothman

Subscribed and sworn to before me this 10th day of December, 1902.

W. H. [Signature]
Notary Public.

ATTORNEYS:

L. B. BELL,

W. W. HASTINGS,

JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAVEN COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number. F. D. 650

Huskogee, I. T., Jan. 18, 1902.

Mr. John H. Goody,

Nowata, I. T.

Dear Sir:

Kindly write me what you know of the separation of Leander A. Keys and his wife; whether or not he left her or whether she was the cause of the separation, or whether or not they are still living together, and also whether or not any divorce proceedings have been instituted by either of them in any Court.

Yours very truly,

Atty . for the Cherokee Nation.

L. A. KEYS,
GENERAL MERCHANDISE
AND LIVE STOCK.

..

NOWATA, I. T. Jan 20th 1902

Friend William

Jan 18th 1902

will say that as far as I know about
L.A. Keys and his wife. I think it is that
Keys left the home of Mrs Keys by
being ordered of from the house by
his wife, and after words his ^{wife} sent
his clothes to him by a negro man.

Still Mrs Keys says that he left her
with out a cause. And she did not
know that he was a going to leave
her. Keys says he can prove the
reason he left her besides being
ordered off by Mrs Keys. He says
and has told me time after time
the reason he did not ~~and~~ ^{was}
divorce was that he did not want
to bring his daughters in Court as
witnesses against their mother.

Jan 18th 1902

John R. Body

L. A. KEYS,
GENERAL MERCHANDISE
AND LIVE STOCK.



NOWATA, I. T.

William

I wish you would see
about William Powell and his
family they are all white inter-
married people the Dawes Com-
mittee put them on the yellow card
here at Nowata

Tell Hooley Bell

That I can find
but one William Brown and
he is a young Negro. I did not
think he wanted him. I don't
know of but one Lee Brown
that is a Indian and he lives on
White Oak 8 miles west of Vinita
Tell Hooley next time say
whether the witness is white
Indian or Negro and then
I can find him

Yours &c.,
L. A. Keys

ATTORNEYS

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. 5. 1. 150.

March 1, 1890.

J. A. Gilmer, Jr.,

St. Louis, Mo.

My dear Sir:

I have the honor to acknowledge the receipt of your letter of the 28th inst. in relation to the enrollment of the Freedmen of the Cherokee Nation for the year 1890. I am at service to you in all matters relating to the enrollment of the Freedmen of the Cherokee Nation, and will be glad to call on you at any time.

Very respectfully,

ATTORNEYS

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STAHR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

Muskogee, I. T., Feb. 28, 1908.

Mr. J. S. DAVENPORT,
I. T.

Dear Sir:

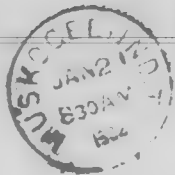
I enclose herewith find notices for the taking of testimony in the matter of the application for enrollment of Leonard A. Sims, C. D. No. 10,000, for enrollment, 1905; and also a notice in the matter of the application of John V. Kinney, C. D. 538, set for March 5th, 1908. Kindly accept service on one copy of each of these notices and return the same by first mail, and oblige,

Yours truly,

After 10 days, return to

M. W. Hartung

MUSKOGEE, IND. T.



H. K. L. L. L.

Muskogee, I. T.

10
Leander A. Keys.

A. Original testimony Oct 19-1900.

B. Memo of application Oct 19-1900.

C. Supplemental testimony Oct 19-1900.

D. Receipt of applicant's attorney for copy of testimony.

E. Notice of final consideration, 7/6/02

F. Proof of service of notice 3/6/02

G. Order of the Court, 7/6/02

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
NOWATA, I.T., OCTOBER 19th, 1900.

IN THE MATTER OF THE APPLICATION OF Charles Owen for the enrollment of himself and brother as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Brackinridge, testified as follows:

- Q What is your full name? A Charles Owen.
Q How old are you? A Thirty.
Q What is your Postoffice? A Caney, Kansas.
Q In what district do you live? A Coconawawee.
Q Who is it you want to have enrolled? A Myself and my brother, Owen Owen.
Q He is absent from the Nation at this time? A Yes sir; he is located in Boston.
Q Are you a Cherokee by blood? A Yes sir.
Q How long have you lived in the Cherokee Nation? A I first came here in August, 1895.
Q You have been out since? A Yes sir.
Q What has been the occasion of your absence? A I was working elsewhere.
Q Have you been in the Government employ? A No sir.
Q Are you in the Government employ now? A No sir; my brother is.

The applicant presents a copy of the records of the Commission on citizenship of the Cherokee Nation, showing that on January 31, 1881, certain persons were admitted to all the rights and privileges of Cherokee citizenship by blood, and among them appears the name of Charles Owen.

- Q That is your name, is it? A Yes sir.
By the Commission "This is recognized as official evidence of the admission of the applicant at the time stated".
Q Where did you live between 1881 and 1895? A I was at school in Virginia.
Q 1895 left you about twenty four year old; were you at school then? A No sir; I went to work when I was eighteen or nineteen years old.
Q What time in 1895 did you come to the Cherokee Nation? A
A In August.
Q Have you made this your home substantially since you came in August, 1895? A No sir; I have lived in Virginia; I have lived here continuously since last Fall.
Q When you came in August, 1895; how long did you stay?
A I do not know; I visited my brother and cousin; tried to find some thing to do out here.
Q You made a visit in August, 1896; then returned to Virginia?
A Yes sir.
Q And when did you come again to the Cherokee Nation?
A Last Fall.
Q Not until last Fall? A No sir; I came in October.
Q You have lived in the Cherokee Nation since October, 1899?
A Yes sir.
Q When you were out of the Cherokee Nation, did you vote?
A I exercised the right of suffrage in Virginia.
Q You exercised the right of suffrage down to the time you came here in 1899? A Not all the time, I did not. I was traveling part of the time; I did not vote in 1897, or 1898.
Q Did you vote in 1896? A Yes sir; I voted in the Presidential election in 1896.
Q Have you ever voted in the Cherokee Nation? A No sir.
Q Are you on any of the rolls of the Cherokee Nation? A I do not know, except on this 1881 Roll; I drew my money when the strip payment was made.
Q The Cherokee Strip Payment? A Yes sir.

Q Now give me the name of your brother please? A Owen Owen.
 Q How old is he? A Twenty nine., he was born in October 1871.
 Q He was admitted to citizenship at the same time you were, was he?
 A Yes sir.

The same paper herein quoted contains the name of Owen Owen, and it is recognized as official evidence of his admission to citizenship on January 31st, 1891.

Q Has your brother ever made his home in the Cherokee Nation?
 A Yes sir; I think he made his home here from 1892 to 1893, until he was given this position in the Treasury Department.
 Q When did he come here; in 1892? A I do not know; I think he was here about a year; I am not positive.

Q Has he been in the service of the Government ever since?
 A Yes sir.

Q And that has kept him out of the Cherokee Nation? A Yes sir.
 Q Is he on any of the rolls of the Cherokee Nation? A I do not know.

Q Did he draw his stipend money? A Yes sir.

Q Do you know whether he has voted outside of the Cherokee Nation since 1892? A I do not know; He was in Washington City a while, and in New York part of the time; and he is now in Baltimore.

Q This brother, Owen Owen, is living now? A Yes sir.
 (1894 Roll, Page 266, #3227, Charles Owen, Geo. District)
 (1894 Roll, Page 266, #3228, Owen Owen, Geo. District)

Q What is your brother's present Postoffice address?

A Care of the United States Secret Service, Boston, Massachusetts.

Q He claims Cooweescoowee District as his home, does he?

A Yes sir.

The applicant applies for the enrollment of himself and brother: His brother has reached his majority, but is in the Government service, and is unable to appear in person. The applicant is shown to have been admitted to Cherokee citizenship in 1881: He states that he came to the Cherokee Nation in August, 1895, and after a short time, left the Cherokee Nation, and returned in October, 1899, since which time he has continued to make the Nation his home. He has exercised the right of suffrage in the State of Virginia, voting, he thinks, the last time, in 1896, in the presidential election: He is identified on the roll of 1894: His application will be taken under advisement for further consideration, and the final decision of the Commission will be communicated to him at his Postoffice address.

His brother, Owen Owen, is shown to have been admitted to Cherokee citizenship in 1881: He is said to have come to the Cherokee Nation in 1892, and to have made his residence here for about one year, at the end of which time, he accepted a Government position, and he has been out of the Cherokee Nation upon his official duties since accepting that position. It is not known whether he has exercised the right of suffrage out of the Cherokee Nation: He is identified on the roll of 1894: He is said to be living at this time. The application for his enrollment will be taken under advisement, for the further consideration of the facts stated, and the final decision of the Commission will be made known to him.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 19th day of October, 1900.

A. R. [Signature]

COMMISSIONER.

To be filed in Cherokee D-651, Charles Owen et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., November 18, 1900.

In the matter of the application of Robert L. Owen for the enrollment of his aunt, Alice L. Owen, and her two children, as Cherokee citizens; being sworn and examined by Commissioner Breckinridge, he testified as follows:

- Q Give me your full name? A Robert L. Owen.
Q What is your age? A 44.
Q What is your postoffice? A Muskogee.
Q Your residence? A Cooweescoowee District.
Q For whom do you wish to make application now? A Alice L. Owen, my first cousin by blood and aunt by marriage.
Q Have you had charge of her interests in the Cherokee Nation?
A I have had charge of her farm and other matters for a good many years.
Q Do you wish to apply for her alone? A For her and two daughters one of the daughters is of age, and I suppose a separate application should be made for her.
Q She is unmarried? A Yes, sir, they live together.
Q You wish to apply then only for Alice L. Owen and two children?
A Yes, sir.
Q How old is Alice L. Owen? A Alice L. Owen is 56 years old.
Q Does she claim citizenship in the Cherokee Nation? A She claims citizenship in the Cherokee Nation.
Q In what district does she claim citizenship? A In Sequoyah.
Q What is her present postoffice address? A Lynchburg, Virginia.
Q Is she on any of the rolls of the Cherokee Nation? A She is on the roll of 1894 and perhaps others, I am not sure.
Q Is she on the roll of 1880? A I think not.
She was readmitted in 1881.
Q Have you a certificate of her admission? A I have, but haven't it with me; it was submitted in the case of Robert Otway Owen.
Q And he left it on file? A I don't know.
Q Does Alice L. Owen claim to be a Cherokee by blood? A She is a Cherokee by blood.
Q What is the name of her father? A Her father was named Lynde.
Q Do you remember his given name? A I cannot recall it at this moment.
Q You remember her mother's given name? A Yes, her mother's given name was Jane Chims—maiden name, and she married Lynde, and afterwards married Bruton.
Q Now where has Mrs. Owen lived since she was admitted in 1881?
A She has lived in Lynchburg, Virginia.
Q Ever since 1881? A Except on occasional visits out here.
Q What is the name of her husband? A William Otway Owen; he died in 1898; a white man.
Q When did she marry him? A Married him in 1864, 63 or 4.
Q And he died in 1898? A He died in 1898.
Q Did they live together as husband and wife from the time of their marriage until his death? A Yes, sir.
Q Give me the names of the two children please? A Jane Owen.
Q How old is that child? A I believe that she is about 35 years old; she has ceased to be a child.
Q She has never married? A She is not married.
Q Is she on any roll of the Cherokee Nation? A She is on the roll of 1894 and I think on the roll of 1896.
Q Give me the name of the next child? A Alice Owen.
Q How old is she? A I think she is about 21.
Q They are both living now are they? A Yes, sir.
Q Have they both made their home continuously with their mother

in Virginia? A Yes, sir, Jane Owen lived in the Cherokee Nation a year or two at Tahlequah, and taught school, I think in 1884. Alice Owen inherited her mother's farm in Sequoyah District and for that reason claims Sequoyah as her district.

Q She still holds that farm? A Yes, sir.

1880 roll examined for Alice L. and Jane Owen and not found.

1896 roll examined for Alice L. and Jane Owen and not found.

1894 roll page 266 #3223 Alice Owen Cooweescoowee Dist.

Q Was Alice in Cooweescoowee? A She had this place I was telling you of; I thought she claimed in Sequoyah.

Q She had a Cooweescoowee place also did she? A Yes, sir.

1894 roll page 266 #3224 Alice Owen Jr. Cooweescoowee.

1894 roll page 266 #3225 Jane Owen Cooweescoowee.

Q Does Mrs. Owen propose to come back to the Cherokee Nation and make her home? A I couldn't answer that question.

Q Is there any purpose entertained by either of her daughters to return to the Cherokee Nation and make it their home?

A I couldn't answer that question.

Examined by Cherokee Rep'Ve J. L. Baugh:

Q Alice Owen never returned after that admission? A She has been here on a visit; never lived here; she has a farm in Sequoyah and a farm in Cooweescoowee.

Com'r Breckinridge: The applicant applies for the enrollment of Alice L. Owen and her two children; he states that Alice L. Owen was readmitted to citizenship in 1881, since which time she has substantially made her home in Lynchburg, Virginia; she is identified on the roll of 1894, and she has continued to hold farming property in the Cherokee Nation; it is desired that the Commission be furnished with official evidence of her admission to citizenship in 1881; to await this evidence, and for the further consideration of her status arising from her period of non-residence in the Cherokee Nation, under the conditions stated in the testimony, she will now be listed for enrollment as a Cherokee by blood on a doubtful card; the applicant is permitted to make application for this lady because of the great expense and difficulty of her making application for herself, and it has been his custom to attend to all of her affairs in the Cherokee Nation; for the same reason he is permitted to make application for her two children named in the testimony, who are identified on the roll of 1894; they have lived with their mother, except that the younger one was born in the Cherokee Nation and the older one, beginning in 1884, lived for two years in the Cherokee Nation and taught school; they will be listed for enrollment as Cherokees by blood on a doubtful card for further consideration of their status.

Final decision of the Commission will be made known to the applicant at his postoffice address.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this 20th day of November, 1900.

(Signed) C. R. Breckinridge,

Commissioner.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Croninger

Subscribed and sworn to before me this 21st day of February, 1908.



Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE PUBLIC LANDS
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 ACTING CHAIRMAN

To be filed with D-651, Charles Owen et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 19, 1902.

In the matter of the application of Alice L. Owen for the enrollment of herself and children as citizens of the Cherokee Nation, D-826.

Applicant represented by Robert L. Owen, Muskogee, I.T.
Cherokee Nation represented by W. W. Hastings.

SUPPLEMENTAL TESTIMONY.

WILSON O. BRUTON, being duly sworn, testified before the Commission as follows:

Q What is your name? A Wilson O. Bruton.
Q Where do you live? A Near Mildrow, in the Cherokee Nation.
Q Do you desire to make a statement relative to the enrollment of Alice L. Owen and her two children? A Yes, sir.
Q Proceed please? A Alice L. Owen is a half-sister of mine. I have had charge of her property since her readmission to Cherokee citizenship by the National Council of the Cherokee Nation. For several years her property consisted solely of personal property. In the year 1890 or 1889 my mother died; in 1890 my father died. The estate was divided and the old homestead place became hers. Her mother and my mother is buried on the homestead I suggested. I have had charge of that property for her ever since. I pay her every year the rents off of it. She is in Lynchburg, Virginia, but claims this homestead as her home as I understand it. She has been here several times since her readmission or at least more than once, I can't say how many times. I am not familiar with the dates of the birth of the children. I know their names, but I am not familiar with the dates of their birth.

MR. OWEN: What are the names of her daughters living with her?
A Janie Owen and Alice Owen.

Q Do you know Charles Owen? A I do.

Q Do you know where he is living? A He is living at Caney in the Cherokee Nation, near Caney in the Cherokee Nation.

Q Do you know how long he has been living there? A No, sir, I think perhaps about a year.

MR. HASTINGS: Your sister is married of course? A She was married; she is a widow now.

Q You say at present residing at Lynchburg, Virginia? A Yes, sir.

Q Was this homestead ever divided or do you own it jointly yet? A It was divided.

Q And her share set apart? A Yes, sir. There was two or three farms, and we divided the personal property, and everything was divided. I have no interest in the homestead, nor has my other sister, there is only three of us in all.

COMMISSIONER: It is directed that copies of all the testimony had in the matter of the application of Alice L. Owen to be enrolled as a citizen of the Cherokee Nation be filed and made a part of the record in the case of Charles Owen and Owen Owen, whose names appear upon Cherokee Doubtful Card 651.

Arthur G. Croninger, being duly sworn, states that an stenog-

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rapher to the Commission to the Five Civilized Tribes he reported in full the foregoing proceedings, and that the above is a true and complete transcript of his stenographic notes thereof.

Arthur Glimmer

Subscribed and sworn to before me this 20th day of February, 1902.



Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

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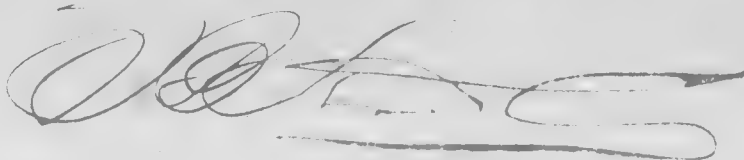
ACTING CHAIRMAN

Supl.-C.D.#661.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 6, 1902.

SUPPLEMENTAL in the matter of the enrollment of CHARLES OWEN,
ET AL., as citizens of the Cherokee Nation:

The applicants were notified by registered letter February 15, 1902, that their application for enrollment as citizens of the Cherokee nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902, and that on said date they might appear before the Commission either in person or by attorney, when an opportunity would be given them to introduce any further testimony affecting their application. Receipt has been acknowledged of Commission's letter. The applicant having this day, to-wit: the 6th day of March, 1902, been called three times and failing to respond it is directed that the case be closed, and that the same be reported to the Commission for final decision based upon the evidence now of record.



J.O.R.

Commissioner.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JULY 20, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of CHARLES OWEN as a citizen by blood of the Cherokee Nation.

APPEARANCES:

Applicant appears in person.
Cherokee Nation by W. W. Hastings.

CHARLES OWEN, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q State your name, age and post office address? A Charles Owen, present post office is Caney, Kansas, my age is 35.
- Q You are a Cherokee by blood? A Yes sir.
- Q You have a brother Owen Owen? A Yes sir.
- Q You were admitted to citizenship by the Cherokee National Council? in 1881, were you? A I think it was 1880, it may have been 1881, we were not admitted by the Council, however, we were enrolled by some Commission that was appointed to make a roll. We never applied to the Council.
- Q When did you first come to the Cherokee Nation? A In August 1894.
- Q Have you resided in the Cherokee Nation continuously since then? A I have not.
- Q When you came in August of 1894 how long did you remain there? A I don't recollect, I remained only a short while, decided I would come back to the Cherokee Nation, I went east to close out my business affairs there, and while there was taken sick, had the typhoid fever that was followed by a very long illness, I had to go to the hospital and was there two years, had to be treated for nervous prostration and mind trouble.
- Q When did you leave the hospital? A I think I left the hospital in 1898, I think it was, there is an affidavit here from the hospital, I think it was 1898.
- Q Where did you go when you left the hospital? A I came to the Cherokee Nation.
- Q Then how long did you stay? A I have been here continuously.
- Q Your trip in August of 1894 was the first time you were ever in the Cherokee Nation? A Yes sir.
- Q Did you in any way identify yourself with the Cherokee Nation prior to that time? A Through my attorneys I did, I had property here, I had cattle here, I think they were holding a farm here for me when I was a child, my cousin Robert Owen had a farm for me and had some cattle for me. During my minority I know he acted as my attorney or guardian here.
- Q You were 24 years of age when you first came to the Cherokee Nation? A Yes sir.
- Q Had you ever authorized any one prior to 1894 to secure a farm for you in the Cherokee Nation? A I authorized Robert L. Owen to do so.
- Q Did you collect any rents or derive any benefits at all from the farm? A I did.
- Q Any money? A \$2500.00 at one time he sent me.
- Q Was that prior to 1894? A Yes sir that was in 1892 I think.
- Q Was that \$2500.00 proceeds derived from your farm? A I don't know just where it was derived from.

- Q Did you get any other money? A On a good many occasions I would write to him and he would send me money and charge it up to my account on my cattle I had on my farm.
- Q You don't know then whether that \$2500.00 was rents from your farm or whether it came from some other source? A I don't think it could have been rents from the farms, all of it. I wrote to him one time I remember and asked him to send me \$2500.00 and he did, and he charged it up against my account with me. I don't think the farm would have yielded that much. He had had this farm since I was a child.
- Q What relation are you to Robert L. Owen? A A first cousin.
- Q Was he looking after an estate in which you had an interest?
- A No sir, not that I know of our,--it would have been an estate, only our interest in the Cherokee nation that I know of. I don't know of anything else.
- Q Did you, just through your attorney or agent, buy a farm in the Cherokee nation which was being held for you or was so left to you as a part of the estate of your parents? A No sir, it was not my parents that I know of, my father wasn't a Cherokee, my mother was a Cherokee. Robert Owen made a farm for each one of us children.
- Q Did you know anything about the location of the farm or the improvements on it or the extent of it prior to your coming to the Cherokee Nation in 1894? A No sir I can't say that I do, I know that I had a farm here and I know I had cattle here, and my brand of cattle was registered with the Cherokee Nation, but I didn't consider it of any great importance, and I don't know as I paid any attention to it at all until I came myself.
- Q The place made by Robert L. Owen and held for the Owen family, was it just held in common for the Owen family? A No sir, I think each one had his own individual farm.
- Q When you came to the Cherokee Nation in 1897 or 1898 did you take possession of the farm which Robert L. Owen had held for you?
- A Yes sir, I took possession of it to this extent that I farmed it while I was farming for him. I was attending to all his farm at the time and I attended to me own at the same time. I was indebted to Robert Owen and I turned over my rents of the farm that belonged to me to him in order to lift my debts.
- Q Have you been in possession of that farm continuously since then?
- A Up until the time I thought I was going to lose my allotment, then I sold it.
- Q How long ago was that? A Something over a year ago I guess.
- BY MR. HASTINGS:
- Q Where was that farm? A In Cooweescoowee near Caney River.
- Q Was it inclosed separate or in a large inclosure? A It was inclosed with my sisters, my mothers, and brothers.
- Q How much was in that inclosure? A About 600 acres all together, but there were pastures and different fences dividing the place up.
- Q About how far from Caney, Kansas? A About seven miles south.
- Q Since 1897 or 1898 you always turned over the rent to Mr. Robert Owen? A Yes sir, I owed him a great deal of money when I came to this country, on the theory that I would hold a farm here.
- Q Was it his money that made this farm for you that you were paying back? A I think so, yes, I think he had me charged that way.
- Q Just had the place made? A Yes sir.
- Q He charged you up with this and you have been paying it back with the rents? A Yes sir.

- Q Your farm and your mother's and other relatives were included in one inclosure? A Sister's and brother's, yes sir.
- Q You never then got any separate rents from this farm other than those turned over to Robert Owen? A None whatever, I owed him about \$5000.00 when I came to the Cherokee Nation.

ON BEHALF OF THE COMMISSIONER:

- Q A certificate signed by the Superintendent of the Western State Hospital of Staunton, Virginia, dated November 18, 1903, states that you were admitted to that institution on January 24, 1898, and discharged on October 4, 1899, is that correct? A I think that he has got it one year wrong, I think I went there in 1897 and left in 1898, I may be wrong of course but that is my recollection.
- Q Is there any other evidence you desire to introduce in support of your application for enrollment? A No sir.

This case is closed.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 25th day of July, 1905.

Edward Merriek
Notary Public.

Cherokee D-651.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JULY 28, 1905.

In the matter of the application for the enrollment, as
citizens by blood of the Cherokee Nation, of Charles and Owen Owen.

Charles Owen, being duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A Charles Owen.
Q What is your age? A Thirty-five. Post office Caney, Kansas.
Q Are you a Cherokee by blood? A Yes.
Q Have you a brother named Owen Owen? A I have.
Q Is he living at the present time? A He is.
Q What is his present postoffice address? A I think, Philadelphia,
Pennsylvania.

WITNESS EXCUSED.

Louise Smith, being duly sworn, states that as stenographer
to the Commissioner to the Five Civilized Tribes, she reported the
proceedings had in the above case, and that the above and foregoing
is a true and correct copy of her stenographic notes therein.

Louise Smith

Subscribed and sworn to before me this July 28, 1905.

Edward C. Merriam

Notary Public.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., AUGUST 24, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of CHARLES and OWEN OWEN as citizens by blood of the Cherokee Nation.

APPEARANCES:

For applicants, Robert L. Owen.

For Cherokee Nation, W. W. Hastings.

ROBERT L. OWEN, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q State your name, age and post office address? A Robert L. Owen, 49 years old, Muskogee, Indian Territory.
- Q You are a recognized and enrolled Cherokee by blood? A Yes sir.
- Q You desire to give some testimony in connection with the application for the enrollment of Charles and Owen Owen as citizens of the Cherokee Nation? A Yes sir.
- Q What relation are you to Charles and Owen Owen? A First cousin.
- Q You are their attorney of record are you? A I am not quite sure of that although I have represented them in the matter of their citizenship.
- Q Just go ahead and make any statement you desire to make in connection with their application? A Owen Owen, under my advice, came to the Cherokee Nation and established a permanent residence in 1893, or possibly in 1892. He entered my service and I remember it being in 1893, because I took him with me as a stenographer to the Cherokee Outlet at the time of the opening in September, 1893. At a later date in 1894 or 1895 he was appointed by the Treasury Department at Washington, and entered the secret service of the United States. I do not now know where he is. I do not know that he is in the service of the Government at this time. I believe that he is not. I have held land in the Cherokee Nation with an agreement with the members of the family of which Owen Owen is a member, proposing to ~~have~~ locate their allotments when allotments could be made out of such lands as I held, and have allowed them rental upon such land since the Curtis Act passed. I have made no settlement with the individuals for the reason that they were hopelessly in my debt, and I was entirely indifferent as to whether they ever paid me or not, having advanced to Owen Owen and Charles Owen, and the members of their family, including R. O. Owen, and Wena Owen, sums of money probably aggregating \$25,000.00, which, as far as I was concerned was a gift, although if they were situated to repay it I would expect them to do it. For this reason Charles Owen in his testimony in this case was confused in speaking of the reasons why I sent him large sums referred to by him merely as rental upon land I held for him, or the members of his family, but more as a matter of personal affection, although since 1898 he was entitled to credits in a way of rental upon the land which I held for him as his agent, or which he might be said to have held through me, his agent. Charles Owen and Owen Owen are the sons of Alice Owen, who was the daughter of Jane Bruton. The mother of Owen Owen and Charles Owen, the Alice Owen above referred to, was born in the Cherokee Nation near old Fort Wayne and lived in the Cherokee

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Nation until she was 16 years old. My mother, Narcissa Owen, desiring that Alice Owen should be educated as well as possible invited her to Lynchburg, Virginia, where my mother then lived, and my mother educated Alice Owen, and Alice Owen was married in 1863 to William O. Owen, my father's brother. She lived there for many years making occasional visits back to the Cherokee Nation. Under the Cherokee constitution the Cherokee people finding that in order to lose citizenship it was necessary to leave the Cherokee nation with ones person, second with ones property, and third take up citizenship with some other community, Alice Owen's mother, Jane Bruton, proposed to protest her rights against the change of a loss of citizenship by keeping property for Alice Owen and her children. This, I understand, was done. In 1879 at the instance of Narcissa Owen, my mother, who desired me to join the Cherokee people, I came to Indian Territory. In 1880 an authorized roll of the Cherokee people was made up, I was put upon such roll by a Commission upon which was Wash Hayes, William Harnage, and Roach Young. They placed upon that roll, Narcissa Owen, my mother, William O. Owen, my brother, and myself. I did not apply to the Cherokee Council for readmission under the constitutional provisions that the council might readmit. I did not intend to concede for myself, my mother or my brother that we had not the rights of Cherokee citizenship, or that we would be obliged to seek readmission as an act of grace, but supposed that we had the right of enrollment on this roll as a matter of legal right. At all events we were recorded on the roll of 1880 and are recognized as citizens of the Cherokee Nation on the approved schedules. In 1881 finding that Alice Owen and her children, W. O. Owen, Jane Owen, Charles Owen, William Owen, and Alice Owen were not on the rolls I made application personally to a Commission headed by Roach Young asking that they be enrolled. When I made my own application to the previous Roach Young Commission I had no witnesses I believe except the Commission itself, my mother having waited on Wash Hayes when he was married, Roach Young and Harnage having been personal friends of my uncles. There were but little formalities in this application for Alice Owen and her children. I assuredly had no purpose of conceding that Alice Owen had lost her citizenship and required to be readmitted by act of Council, nor was I authorized to make such admission, in fact it never occurred to me as having any existence as a theoretical proposition. All that I intended to do was to have them enrolled.

BY MR. HASTINGS:

- Q The Roach Young Commission was a Commission on citizenship, was it not? A That is my understanding.
- Q The Roach young commission was not a committee of the National Council? A It was not.
- Q The fact is that this Roach Young Commission upon your application did admit or readmit you and the members of your family? A They did.
- Q And it is also true that this same Commission, or one headed by Roach Young admitted or readmitted the family of Alice Owen, including Charles and Owen Owen? A Yes sir.
- Q How long did Owen Owen remain here in 1893 or 1892? A My impression is that he was living here between one and two years.
- Q You said that in 1894 or 1895 he was engaged by the Treasury Department of the United States in the Secret Service, where was he at the time of his employment? A He was in the Indian Territory at my house.
- Q Did he enter the service of the United States from there? A He did.

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- Q The property you acquired for the members of the family of Alice Owen was prior to his trip here at that time? A I had acquired the property prior to that time.
- Q Is that the property you have held since then for them? A I have continuously held the place referred to, it was the Purnett place there about that time.

The Attorneys for the applicants and the Cherokee Nation announce that they have no further testimony to introduce, the case will be closed and a decision prepared upon the evidence heretofore introduced.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 25th day of August, 1905.

Bruce Jones
Notary Public.

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COMMISSION TO THE FIVE CIVILIZED TRIBES

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- Q You are not certain as to where he is, or whether he is in the service of the United States at this time? A I am not, I have no correspondence with him, and do not know where he is.
- Q Now as to the land you were holding, you did not have any particular land segregated off for each member of the family? A No sir, I held it in bulk until the spring of 1894 at which time, having determined to make the allotments I had the various members of my family, meaning these people, make me Powers of Attorney and thereupon made a little mapproposing a subdivision of the property which I continued to hold.
- Q Was that in 1894 that you mean to say? A I mean to say 1904.
- Q But prior to that time no subdivision? A Prior to that time I had not subdivided the land but held an amount of land equivalent to that which they would be entitled under the statute.
- Q You have never accounted to them for rents except in the matter as you stated by advancement? A That is all and crediting them on my ledger.
- Q Alice Owen, the mother of these children, is in Virginia? A Yes sir.
- Q And has always been there since prior to the war? A Yes sir.
- Q As a matter of permanent residence? A Yes sir.
- Q I believe you stated she married your uncle there? A Yes sir. It has been the hope of Alice Owen to return to the Cherokee Nation and live but it has been impossible on account of pecuniary conditions, she was not able to do it.
- Q Has she a farm in Virginia? A No sir, the only farm she has is or was the old homestead where her mother is buried, and which descended to her at the death of her mother I believe in 1890.
- Q Is her husband living? A Her husband has been dead for a long time.
- Q He died in Virginia? A He died in Virginia? A Jane Owen came to the Cherokee Nation and taught for two years at Tahlequah, I believe in about 1882 or 1883, living there two years, and all of her sons -----
- Q Is she married? A No sir. All of her sons have come to the Cherokee Nation and I know that Charles Owen has been contemplating making a place for his mother and sisters in the hopes that they would join him in the Cherokee country.
- ON BEHALF OF THE COMMISSIONER:
- Q When Owen Owen came to the Cherokee Nation as you spoke of in 1893 did you intend to state that he came to the Cherokee Nation or to Muskogee? A He came to Muskogee, and was in my service both at Muskogee and in Cooweescoowee District where I had business, he working as my secretary.
- Q You were at that time U. S. Indian Agent at Muskogee? A I was not, I had been U. S. Indian Agent from 1885 to 1889.
- Q You were at that time residing in the town of Muskogee? A I was.
- Q What age was he at that time? A I do not recollect his age at that time. I think he was probably about 19 or 20 years old. The record in this case, I think, will show his exact age, I have forgotten what it was.
- Q When application was made for his enrollment on October 19, 1900, his age was given as 29 which in 1893 would make him about 22 years of age, was that the first trip he ever made to the Cherokee Nation or Indian Territory? A I am not sure about that, Alice Owen on the various trips she made would be accompanied with one of her children, I think possible he had come before, but I am not sure of that.

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Cherokee D 661

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Charles Owen and Owen Owen as citizens by blood of the Cherokee
Nation.

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DECISION.

THE RECORDS OF THIS OFFICE SHOW: That, at Muskogee,
Indian Territory, on October 19, 1900, Charles Owen appeared be-
fore the Commission to the Five Civilized Tribes and made appli-
cation for the enrollment of himself and his brother, Owen Owen,
as citizens by blood of the Cherokee Nation. Further proceedings
in the matter of said application were had at Muskogee, Indian
Territory, on April 1, and July 18, 1904, and July 20 and 28, and
August 24, 1905. Copies of the testimony taken on October 19,
1900, and on February 19, 1902, in the matter of the application
of Alice L. Owen, et al., Cherokee D 626, are filed herewith and
made a part of the record herein.

THE EVIDENCE IN THIS CASE SHOWS: That Charles Owen and
Owen Owen are sons of Alice L. Owen, that they, together with their
mother and other members of the family, were admitted to citizen-
ship in the Cherokee Nation, by the duly constituted authorities
of said Nation, on January 31, 1881, and that said applicants are
identified on the 1884 Cherokee Strip payment roll.

It further appears that the said Charles Owen and Owen
Owen, were thirty and twenty-nine years of age, respectively, at
the date of their application for enrollment, and that neither of
said applicants permanently located in the Cherokee Nation prior
to June 4, 1895.

An Act of the Cherokee National Council passed December 4, 1894, provides:

"That all persons who have been or may hereafter be readmitted to citizenship in the Cherokee Nation, are hereby required to permanently locate within the limits of the Cherokee Nation within six months from the passage of this act, or from the date of the readmission of persons hereafter readmitted, or no rights whatever shall accrue to such persons by reason of such readmission: Provided, that nothing in this act shall bar minors and orphans."

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of the Act of the Cherokee National Council above quoted, and following the ruling of the Department in the case of Alice L. Owen, et al., (I.T.D. 7274-1905), under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Charles Owen and Owen Owen are not entitled to enrollment as citizens by blood of the Cherokee Nation, and their application for enrollment as such is accordingly denied.

SIGNED

Tame Bixby.

COMMISSIONER

Dated at Muskogee, Indian Territory,

this OCT 31 1905

United States of America, Indian Territory :

Northern Judicial District

1885

Owen Owen, of the Coowescoowee District, Cherokee Nation, Indian Territory, being duly sworn deposes and says:

That he is a son of Alice Lynde Owen and is a citizen of the Cherokee Nation by blood; that he was born at Lynchburg, Virginia, on the 29th day of October, 1872; that his father William Otway Owen, of Lynchburg, Virginia, died on the 15th day of February 1892; that in the month of July, 1893, he removed to the Indian Territory and established permanent residence in the Coowescoowee District of the Cherokee Nation where he was employed and remained until March, 1894, when he was offered and accepted a position as an Assistant Operative in the Secret-Service Division of the Treasury Department of the United States and proceeded immediately to Washington for the purpose of taking the oath of office and on the 23rd day of March, 1894, entered upon the duties of that position; that he continued for some years thereafter in the service of the United States and served at various times in the cities of Washington, New York, Philadelphia, Boston and other points in the United States and in the Republic of Costa Rica, Central America. And further, that he has never abandoned his political domicile in the Coowescoowee District, Cherokee Nation, Indian Territory.

Deponent further states that at the time of his establishment of residence in the Cherokee Nation he was a minor and an orphan; that he was a citizen of the Cherokee Nation and a bona fide resident of the Coowescoowee District at the time he reached his majority. That on the 12th day of December, 1905 he appeared before the Dawes Commission, at Muskogee, Indian Territory, for the purpose of, and did offer, to testify to the above related facts with a view to proving his right to be enrolled as a citizen by blood of the Cherokee Nation, and that the said Dawes Commission denied him a hearing on the ground that the report on his application had been forwarded to the Department of Interior together with the decision of the Commission.

Subscribed and sworn to before me this

Don Owen
day of December, A.D., 1905.

Don Owen
Notary Public

My commission expires August 16, 1908

COPY.

TREASURY DEPARTMENT

Office of the Secretary

Washington, December 19th, 1905.

Mr. Owen Owen,

Caney, Kansas.

Sir:

In reply to your letter of the 13th instant, requesting your record in this Department, I have to advise you, by direction of the Secretary, that you were appointed on March 3rd, 1894 an Assistant Operative at \$3.00 per day. November 20th, 1895, you were promoted to Special Operative at \$4. per day. Discharged February 28, 1898. June 15, 1898 reappointed Special Operative at \$4. per day. November 4, 1899, promoted to Operative at \$5. per day. Discharged October 15, 1900.

Respectfully,

(signed) Chas. Hyman,

Chief, Division of Appointments.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,) 88
Northern Judicial District.)

I, Don Guernsey, a Notary Public within and for the aforesaid District, hereby certify that the foregoing is a true and correct copy of a letter signed by Chas. Hyman, Chief, Division of Appointments, Treasury Department, the same have been exhibited for my examination this day.

Witness my hand and Notarial Seal this 27th day of January, 1906.

Don Guernsey
Notary Public

My commission expires August 10 1908

COPY.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D.11883-1905.
L.C.

December 23rd, 1905.

Owen Owen,

Carey, Kansas.

Sir:

Your affidavit in support of a motion for a reopening of your case as an applicant for enrollment as a citizen by blood of the Cherokee Nation is returned herewith to you, for the reason that it does not appear therefrom that a copy of said affidavit has been served upon the attorneys for the Cherokee Nation prior to the transmission thereof. The statements in your affidavit should also be supported by the sworn statements of at least two disinterested witnesses.

Respectfully,

(signed) Thos. Ryan
Acting Secretary.

1 enclosure.

UNITED STATES OF AMERICA)
INDIAN TERRITORY,) SS
Northern Judicial District.)

I, Don Guernsey, a Notary Public within and for the aforesaid District, hereby certify that the foregoing is a true and correct copy of a letter signed by Thomas Ryan, Acting Secretary of the Interior, the original of which was exhibited to me this day.

Witness me hand and Notarial Seal this 27th day of January, 1906.

Don Guernsey
Notary Public.

My commission expires August 16 1908

COPY.
AFFIDAVIT.

I, Wiley T. Wisdom, of Muskogee, Indian Territory, hereby certify that I am personally acquainted with Owen Owen, a Cherokee citizen by blood. I became acquainted with Owen Owen, at Muskogee, Indian Territory, in the summer of 1893. At that time I understood Owen Owen to be in the employ of his cousin, Robert L. Owen, and that he had come to the Indian Territory to make his home, and that when Owen Owen left the Indian Territory he left in the employ of the United States.

(signed) Wiley T. Wisdom.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,) SS
Western Judicial District.)
8

Subscribed and sworn to before me this 3rd day of January, 1906.

(signed) Chas. Mercer
Notary Public.

My commission expires Nov. 19, 1907.

UNITED STATES OF AMERICA })
INDIAN TERRITORY, }) SS
Northern Judicial District.)

I, Don Guernsey, a Notary Public within and for the aforesaid District, hereby certify that the foregoing is a true and correct copy of the affidavit executed by Wiley T. Wisdom before Charles Mercer, a Notary Public, the original of which was exhibited to me this day.

Witness my hand and Notarial Seal this 27th day of January, 1906.

Don Guernsey
Notary Public.

My commission expires August 16 1908

COPY.

AFFIDAVIT.

I, James M. Givens, of Muskogee, Indian Territory, hereby certify that I am personally acquainted with Owen Owen, a Cherokee citizen by blood. I became acquainted with Owen Owen at Muskogee, Indian Territory, in the summer of 1893. At that time I understood that Owen Owen was in the employ of his cousin, Robert L. Owen, and that he had come to the Indian Territory to make his home, and that when Owen Owen left the Indian Territory he left in the employ of the United States.

(signed) James M. Givens.

UNITED STATES OF AMERICA, :
INDIAN TERRITORY, : SS
Western Judicial District. :

Subscribed and sworn to before me this 3rd day of January, 1906.

(signed) W. R. Allen
Notary Public.

My commission expires Oct. 7, 1906.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,) SS
Western Judicial District.)

I, Don Guernsey, a Notary Public within and for the aforesaid District, hereby certify that the foregoing is a true and correct copy of the affidavit executed by James M. Givens before W. R. Allen, a Notary Public, the original of which was exhibited to me this day.

Witness my hand and Notarial Seal this 27th day of January, 1906.

Don Guernsey,
Notary Public

My commission expires August 16 1908

COPY.

A F F I D A V I T.

I, Frank C. Hubbard, of Muskogee, Indian Territory, hereby certify that I am personally acquainted with Owen Owen, a Cherokee citizen by blood. I became acquainted with Owen Owen at Muskogee, Indian Territory, in the summer of 1893. At that time I understood Owen Owen to be in the employ of his cousin, Robert L. Owen, and that he had come to the Indian Territory to make his home, and that when Owen Owen left the Indian Territory he left in the employ of the United States.

(signed) Frank C. Hubbard.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,) SS
Western Judicial District.)

Subscribed and sworn to before me this 3rd day of January, 1906.

(signed) Chas. Mercer
Notary Public.

My commission expires Nov. 19, 1907.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,) SS
Northern Judicial District.)

I, Don Guernsey, a Notary Public within and for the aforesaid District, hereby certify that the foregoing is a true and correct copy of an affidavit executed by Frank C. Hubbard before Charles Mercer, a Notary Public, the original of which was exhibited to me this day for my examination.

Witness my hand and Notarial Seal this 27th day of January 1906.

Don Guernsey
Notary Public.

My commission expires August 16 1908

REFER IN REPLY TO THE FOLLOWING:
Cherokee D-651.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 27, 1905.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed you, herewith, a copy of supplemental testimony of July 20, 1905, taken in the matter of the application for the enrollment of Charles Owen, et al., as citizens by blood of the Cherokee Nation.

Respectfully,

Incl. 8-15.


Commissioner.

REFER IN REPLY TO THE FOLLOWING:

Cherokee D-651.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 28, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed you, herewith, copy of supplemental testimony of July 28, 1905, taken in the matter of the application for enrollment, as citizens by blood of the Cherokee Nation, of Charles Owen, et al.

Respectfully,

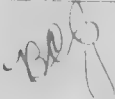
LS
Incl. 3-25

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
D 651

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.



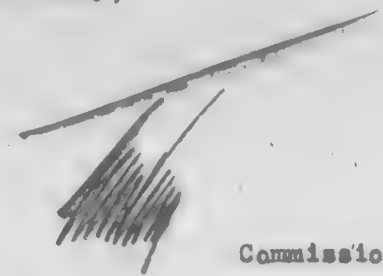
Muskogee, Indian Territory, August 28, 1905

W. W. Hastings,
Attorney for Cherokee Nation.
Muskogee, Indian Territory.

Dear sir:

There is inclosed herewith a copy of supplemental testimony of August 24, 1905, in the matter of the application for the enrollment as citizens of the Cherokee Nation, of Charles and Owen Owen.

Respectfully,



Commissioner

LMB
2 Incl.-B-53

REFER IN REPLY TO THE FOLLOWING:
Cherokee D 651.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

309
Muskogee, Indian Territory, October 31, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory,

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, rejecting the application for the enrollment of Charles and Owen Owen as citizens by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Incl. S-35

Commissioner.

(COPY)

COPY

LAND
88480-1908.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

May 18, 1908.

The Honorable,

The Secretary of the Interior.

sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated October 31, 1906, transmitting the record of the application for enrollment as citizens by blood of the Cherokee Nation by Charles Owen for himself and his brother Owen Owen.

October 31, 1906, the Commissioner decided adversely to the applicants.

The record shows that the applicants are sons of Alice L. Owen; that they, together with their mother and others of the family were admitted to citizenship in the Cherokee Nation by the proper authorities on January 31, 1881, and that the applicants are identified on the 1894 Cherokee Strip payment roll. It further appears that the applicants were respectively 20 and 29 years of age at the date of their application for enrollment and that neither applicant resided permanently in the Cherokee Nation prior to June 4, 1906.

In view of the record and of Sec. 21 of the act of June 28, 1898 (30 Stats., 495) the approval of the Commissioner's decision adverse to the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

MM
C

(COPY)

D.C. 39223

DEPARTMENT OF THE INTERIOR, LIE
WASHINGTON.

J.P.

I.T.D. 9103-1906.

August 21, 1906.

L.R.E.

Commissioner to the Five Civilized Tribes,

Kuskagee, Indian Territory.

Sir:

You are authorized by the act of Congress of June 21, 1906 (Public No. 258), to add the names of "Alice Owen and her children to the final roll of the citizens by blood of the Cherokee tribe" provided that the enrollment by you of such persons shall not be objected to by the Cherokee Nation, "and shall be approved by the Secretary of the Interior."

In view of such provision, the papers in the case of Charles Owen, for himself and his brother, Owen Owen, received with your letter of October 21, 1905, are inclosed. You are authorized to advise the attorney for the Cherokee Nation that he will be allowed fifteen days from such notice within which to file such protest as he may desire to make against the enrollment of the applicants, children of Alice Owen, after which time you will proceed to readjudicate the case.

A copy of Indian Office letter of May 18, 1906 (Land 68450-1906), in which it is recommended that your decision, adverse to the applicants, be affirmed, is inclosed.

Respectfully,
Jesse E. Wilson

Through the Commissioner
of Indian Affairs.
3 inclosures.

Assistant Secretary.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
D 651

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 4, 1906

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

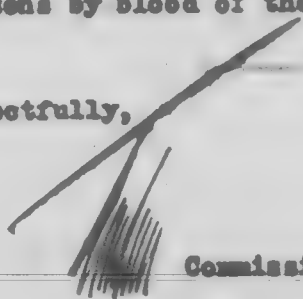
There is enclosed herewith a copy of Departmental letter of August 31, 1906, referring to the provision of the Act of Congress approved June 21, 1906 (Public No. 258), authorizing that the names of Alice Owen and children be added to the roll of citizens of the Cherokee Nation, and in which this office is instructed to allow you fifteen days from date in which to offer such protest as you desire to make against the enrollment of Charles and Owen Owen, children of Alice Owen, as citizens by blood of the Cherokee Nation.

In view of your protest of July 24, 1906, against the enrollment of Alice Owen and her children as citizens of the Cherokee Nation, the record of proceedings had in

W. V. Hastings-2

the case of Charles Owen et al., together with a copy of your protest has this day been transmitted to the Department with the recommendation that the decision of the Commissioner to the Five Civilized Tribes dated October 31, 1906, rejecting the application for the enrollment of Charles and Owen Owen as citizens by blood of the Cherokee Nation, be affirmed.

Respectfully,



Commissioner

L M B

Encl. B-82

J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON. FEB.

D.C. 18384-1907.
I.T.D. 9102-1906.

March 4, 1907.

IRS.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In accordance with the opinion of the Attorney-General in the matter of the application of Alice Owen, et al., for enrollment as citizens of the Cherokee Nation, you are advised that your decision of October 31, 1905, adverse to Charles Owen and Owen Owen, is affirmed. The papers in that case were before the Attorney-General when he rendered his opinion.

May 18, 1906, the Indian Office submitted the case and recommended that your decision be concurred in.

The papers in regard to this case and the Alice Owen et al, case, have been returned to the Indian Office.

This matter was informally submitted to the Assistant Attorney-General on this day, and the opinion was expressed that Charles Owen and Owen Owen are not entitled to enrollment.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

50 inclosures for
Ind. Of. with copy hereof.
W.C.F. 3/4/07.

REFER IN REPLY TO THE FOLLOWING:

Cherokee D451

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 22, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

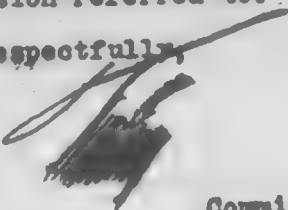
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the application for the enrollment of Charles and Owen Owen as citizens by blood of the Cherokee Nation, was denied by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,



Commissioner.

Enc I-629

RPI

Charles Owen et al

- A. Original Testimony Oct. 19-1900
- B. Memo. of Application Oct. 19. 1900
- C. Notice of final Consideration 3/6/02
- D. Test. from case of Alice T. Owen 2/19/02
- E. Sup. test. from case of Alice T. Owen 2/19/02
- F. Order closing testimony 3/6/02
- G. Copy of testimony given with
Cherokee Nation, January, 1901

OCT 26 1907

Cher D 652

Cher D 652

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE CHEROKEE NATION.
NOKALAH, I.T., OCTOBER 15th, 1900.

IN RE: MATTER OF THE APPLICATION OF Stirling A. Austin for the enrollment of his children as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, U. N. Brockbridge, testified as follows:

- Q What is your full name? A Stirling A. Austin.
Q How old are you? A Forty seven.
Q What is your Postoffice? A Nowata.
Q Do you live in Nowata District? A Yes sir.
Q Who is it you want to have put on the rolls?
A A family of children.
Q Your own children? A Yes sir.
Q How many children? A There are five there.
Q You do not apply for yourself? A No sir., I am a white man; I was married back in Georgia.
Q You have no rights? A No sir.
Q Give me the name of the mother of these children? A Robbie Austin.
Q Was she a Cherokee by blood? A Yes sir.
Q Is she dead? A Yes sir; she has been dead eighteen years.
Q How old was she when she died? A She was I think about twenty seven or eight years old.
Q Where did she die? A She died in Tahlequah District.
Q You did not marry her according to Cherokee law? A No sir; I married her way back in Georgia.
Q When did she come to the Cherokee Nation? A We came in 1881, and were enrolled in 1882.
Q You say your wife was admitted by the Cherokee Commission in 1882? A Yes sir.
Q Did you and your wife live in the Cherokee Nation from the time you came to the Cherokee Nation until she died? A Yes sir; never was out.
Q Where are these children living now? A Twelve miles west of this place.
Q They lived here all the time with their mother? A Yes sir; our baby is at Wagoner.
Q Give me the names of these children? A Zula.
Q How old is she? A Nineteen.
Q Charles is the next one? A Yes sir.
Q He is said to be seventeen years old; is that right?
A Yes sir.
Q Walter is the next one? A Yes sir.
Q Fifteen years old? A Yes sir.
Q Sevilla is the next one? A Yes sir.
Q Twelve years old? A Yes sir.
Q And Zarilda is the next one? A Yes sir.
Q Nine years old? A Yes sir.
Q Are these children all living now? A Yes sir.
(1896 Roll, Page 1132, #57, Zula Austin, Tahlequah Dist)
(1896 Roll, Page 1132, #58, Charlie Austin, Tahlequah Dist)
(1896 Roll, Page 1132, #59, Walter Austin, Tahlequah Dist)
(1896 Roll, Page 1132, #60, Sevilla Austin, Tahlequah Dist)
(1896 Roll, Page 1132, #61, Zarilda Austin, Tahlequah Dist)

The applicant applies for the enrollment of five children, the children of his deceased wife: His deceased wife is said to have been admitted to Cherokee citizenship in 1882, and to have died eight years ago. The applicant states that he married her in 1880, but that they were not married in accordance with Cherokee law, and that they lived together from the time of their marriage until her death: And that he has lived in the Cherokee Nation with his family since 1881. These five children are all identified on the roll of 1896: They are living now, and they will be listed for enrollment.

as Cherokees by blood, upon a doubtful card, to admit official evidence of their mother's admission in 1882.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

P. A. Cravens

Subscribed and sworn to before
me this 19th day of October, 1900.

[Signature]

COMMISSIONER.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 23 1900

ASST. CHIEF

RECEIVED
OCT 23 1900

6598

Supl. C.D. #652.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 6, 1902.

SUPPLEMENTAL in the matter of the enrollment of ZULA AUSTIN,
ET AL, as citizens of the Cherokee Nation:

The applicant's father, Sterling A. Austin, was notified by registered letter February 15, 1902, that the application of his children for enrollment as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902, and that on said day he might appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting their application. Receipt has been acknowledged of Commission's letter. The applicant having this day, to-wit: the 6th day of March, 1902, been called three times and failing to respond either in person or by attorney, it is directed that the case be closed and that the same be reported to the Commission for final decision based upon the evidence now of record.



Commissioner.

J. O.R.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 20, 1902.

In the matter of the application of Sterling A. Austin for
the enrollment of his children as citizens by blood of the Cherokee
Nation.

Applicant appears in person; Cherokee Nation by W.W. Hastings.

Commission: The following entry appears upon page 110 of the
Docket and Decisions of the Cherokee Commission on Citizenship,
1880 to 1884:

Cherokee Commission on Citizenship,
Tahlequah C. N. Sept. 22, 1881.
G. H. Taylor Atty for Claim.
No. 104.

Robby Auston }
Edney Auston } Petition for Citizenship.
Zular Auston }

Vs.

Cherokee Nation.

The above case submitted by the plaintiff Sept. 22d 1881.
Continued Oct. 3d 1881 by the Cherokee Nation until
the next meeting of the Commission.

Continued by the Commission till Sept. term Febr. 3rd
1882.

Submitted by the solicitor Sept. 29th 1882.

Now on this the 29th day of September A. D. 1882, this
case coming on for final hearing; and all the evidence in the
case being carefully and duly considered by the Commission; it was
adjudged and determined by the Commission on Citizenship that the
above named claimants, Robby Auston, Edney Auston, and Zular Auston,
are Cherokees by blood and that they are entitled to all the
rights and privileges of Cherokee citizenship within the Cherokee
Nation and that they should be, and are hereby admitted to the full
and complete enjoyment of the same within the Cherokee Nation in
all respects as native born Cherokees.

Thos. Teehee Pres. of Commission.
Alex Wolfe (Commissioners.
F.F Thompson

D.W.C.Duncan, Clerk of Com. "

Sterling Austin, being sworn and examined by the Commission,
testified as follows:

- Q What is your name? A Sterling Austin.
Q How old are you? A 40 years old.
Q What is your postoffice address? A Nowata.
Q You are the father of the applicants in this case? A Yes sir.
Q Who was the mother? A Robby.
Q Is she living or dead? A She is dead, been dead 11 years.
Q Where were you living when your wife was admitted to citizenship?
A We were living in Tahlequah District.
Q In the Cherokee Nation? A Yes sir.
Q Were all of your children who were born at that time with you
in Tahlequah District? A Yes sir.
Q Have all of your children made their home in Tahlequah District?
Q Yes sir, but we lived six years over on this side in Coowescoo-
was Daining Tahlequah District.
Q Since your admission to citizenship have your children ever made
their home outside of the Indian Territory? A No sir, never have
been out.
Q Did you draw money for these children in 1884? A Yes sir.
We drew every time, we have been here all the payments.
Q Did you draw in 1889? A Yes sir.
Q What district were you living in at that time? A In Tahlequah
District.
Q What is the name of your eldest child? A Edney.

Spelling I, Austin:

- Q Is she living or dead? A She is living.
Q Has she married? A Yes sir, she is living with her husband.
The applicant's wife Betty, and his children, Edna, Lula,
Charles, Walter and Berada Austin are all identified on the
Cherokee Pay-roll of 1900 in Tahlequah District on page 847.
Q How long has your wife Betty been dead? A Eleven years.
The 1900 pay-roll of the Cherokee Nation examined and the
names of the applicant's children identified thereon as follows:
Page 844, No. 84, Edna Austin, Tahlequah District,
Page 844, No. 85, Lula Austin, Tahlequah District,
Page 844, No. 86, Charles Austin, Tahlequah District,
Page 844, No. 87, Walter Austin, Tahlequah District,
Page 844, No. 88, Berada Austin, Tahlequah District,
Page 844, No. 89, Berada Austin, Tahlequah District.

This testimony will also be filed with and made a part
of the record in the case of Edna Rutherford, Cherokee case No. 2967.

The undersigned, being duly sworn, states that as stenographer
to the Commission to the Five Civilized Tribes he correctly recorded
the testimony and proceedings in this case, and that the foregoing
is a true and correct transcript of his stenographic notes thereof.

Ed Rutherford

Subscribed and sworn to before me this 25th day of June, 1902.

Ed Rutherford
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 27 1902

ACTING CHAIRMAN

TO THE COMMISSIONERS OF THE BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.
FROM THE CHIEF OF THE BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.
JUN 27 1902

TO THE COMMISSIONERS OF THE BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.
FROM THE CHIEF OF THE BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.
JUN 27 1902

aad

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Zula, Charles, Walter, Sevolia and Zerilda Austin as citizens by
blood of the Cherokee Nation.

DECISION.

The record in this case shows that on October 19, 1900,
Stirling J. Austin appeared before the Commission at Nowata, Indian
Territory, and made application for the enrollment of his minor
children, Zula, Charles, Walter, Sevolia and Zerilda Austin, as
citizens by blood of the Cherokee Nation. Further proceedings were
had in the matter of said application at Muskogee, Indian Territory,
on June 20, 1902.

The evidence shows that the above named Zula, Charles,
Walter, Sevolia and Zerilda Austin are the children of Stirling
Austin, a white man and non-citizen, and one Robbie Austin, his wife,
who was admitted to citizenship in the Cherokee Nation by the duly
constituted authorities of said Nation under the name of Robby
Austin, on September 29, 1882. The said Robbie Austin is now
deceased. The applicants in this case are all identified on the
Cherokee Census roll of 1896.

The evidence further shows that the above named applicants
have resided in the Cherokee Nation all their lives, and that they
were residents of the said Nation at the date of the application
herein.

It is, therefore, the opinion of this Commission that
Zula Austin, Charles Austin, Walter Austin, Sevolia Austin and
Zerilda Austin should be enrolled as citizens by blood of the
Cherokee Nation, in accordance with the provisions of Section twenty-
one of the Act of Congress approved June 28, 1898, (30 Stat., 490),
and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

Dated at Muskogee, Indian Territory,

this _____

33V

COMMISSIONERS.

MERRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. B. BECKINRIDGE.

ALLISON L. AYRESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 652.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 26, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

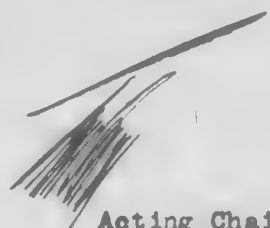
Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Stirling J. Austin for the enrollment of his five minor children, Zula, Charles, Walter, Sevolia and Zerilda Austin, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. C. No. 44.

IN THE MATTER OF THE APPLICATION OF

Gula Austin

FOR ENROLLMENT AS

CHEROKEE CITIZEN

15 A 7

Set of Certificate of Admission
has been supplied?

FEB 19 1902

not supplied

~~Zula Austin et al~~

~~A. Original testimony Oct 19-1900~~

~~B. Memo. of application Oct 9-1900~~

~~C. Notice of final consideration, 3/6/02~~

~~D. Order closing testimony 3/6/02~~

Cher D 653

Cher D 653

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
NOVATA, K. T., OCTOBER 19th, 1900.

IN THE MATTER OF THE APPLICATION OF Nellie R. Reed for the enrollment of herself, her husband and children as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner, O. R. Breakinridge, testified as follows:

- Q What is your full name? A Nellie R. Reed.
Q How old are you? A Thirty two.
Q What is your Postoffice? A Mackay.
Q In what District do you live? A Chickasaw.
A No sir; Illinois District.
Q Who is it you want to have enrolled; yourself and family?
A Yes sir.
Q Have you a husband? A Yes sir.
Q How many children? A Three.
Q Is your husband a white man? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father? A Martin McCoy.
Q Is he dead? A Yes sir.
Q What is your mother's name? A Ellen McCoy.
Q Is she dead? A No sir.
Q When were you married? A In 1883.
Q Were you ever married before? A No sir.
Q Has your husband lived with you ever since he married you in 1883? A Yes sir.
Q Was he ever married before? A No sir.
Q Give me your husband's full name? A Nate O. Reed.
Q Have you his marriage license and certificate? A I have not them with me.
Q Where are they? A They are at home.
Q Give me the names of your children? A Myrtle R. is my oldest girl.
Q How old is that child? A Fourteen.
Q The next child? A Walter R.
Q How old is he? A He is twelve.
Q The next child? A Jennie R.
Q How old is she? A Ten.
Q They are all living now, are they? A Yes sir.
(1880 Roll, Page 556, #1257, Nellie McCoy, Illinois District)
(1896 Roll, Page 698, #1867, Nellie R. Reed, Illinois District)
(1896 Roll, Page 934, #170, Nate O. Reed, Illinois District)
(1896 Roll, Page 805, #1868, Rattie M. Reed, Illinois District)
(1896 Roll, Page 808, #1869, Walter Reed, Illinois District)
(1896 Roll, Page 809, #1870, Jennie M. Reed, Illinois District)

The applicant applies for the enrollment of herself, her husband and three children. She is identified on the rolls of 1880 and 1896, as a native Cherokee; She has lived in the Cherokee Nation all her life, and she will be listed now for enrollment as a Cherokee by blood.

Her three children are identified with their parents on the roll of 1896; They are living now, and they will be listed for enrollment as Cherokees by blood.

The applicant's husband is said to have married her in 1883, in accordance with Cherokee law, but the Cherokee license and certificate are not produced at this time; Neither he nor she are stated to have ever been previously married; He has lived with his wife in the Cherokee Nation ever since his marriage, and is identified with her on the roll of 1896; He will now be listed for enrollment as a Cherokee by intermarriage, and will be placed on a doubtful card, awaiting the original or an official copy of the Cherokee license and certificate.

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COMMISSIONER OF THE
GENERAL LAND OFFICE
WASHINGTON, D. C.
OCT 1 1900

The undersigned, being sworn, states that as stenographer to the
Court, sitting at the Five Civilized Tribes, he perfectly recorded the
testimony and proceedings in the case, and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

A. R. Craven

Subscribed and sworn to before
me this 31st day of October, 1900.

[Signature]

COMMISSIONER.

POOR ORIGINAL -
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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
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Cherokee D - 333.

Department of the Interior,

Commission to the Five Civilized Tribes.

In the matter of the application of Bate O. Reed for enrollment as a citizen of the Cherokee Nation.

On the 19th day of October, 1900, Mollie E. Reed appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself and child as citizens by blood, and for the enrollment of her husband, Bate O. Reed, as a citizen by intermarriage of the Cherokee Nation.

At the conclusion of the evidence offered at that time Mollie E. Reed and her child were listed for enrollment on a regular card and the name of Bate O. Reed was placed upon a doubtful card, awaiting official evidence of his marriage to his wife, Mollie E., under Cherokee law.

Further evidence has been submitted to this Commission and the following decision is rendered:

D E C I S I O N .


From the evidence of record in this case it appears that Bate O. Reed is a white man; that he was married to his wife, Mollie E. McGeay, under United States law, on the 17th day of September, 1886. It further appears that he was married to Mrs. Mollie E. Reed on the 11th day of September, 1890, under authority of a marriage license issued by J. H. Adams, Clerk of Sequoyah District, Cherokee Nation, on the 2nd day of June, 1890.

His wife, Mary E., is identified on the Cherokee authenticated tribal roll of 1880 and the census roll of 1896. She has resided in the Cherokee Nation all her life and he, the said Bate O. Reed, has resided continuously with his wife in the Cherokee Nation since his marriage to her. His name appears upon the 1896 census roll of the Cherokee Nation.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the facts and the law in this case it is considered that Bate O. Reed is entitled to be enrolled as a citizen by intermarriage of the Cherokee Nation, and it is so ordered.



L. R. McChesney
Commissioners.

Dated at Muskogee, Indian Territory,

JUN 9 - 1902

COMMISSIONERS.
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AVIESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cher. D-653.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 9, 1902.

V. W. Hastings, Esq.,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

Enclosed herewith please find copy of the decision of the Commission rendered June 9, 1902, in the matter of the application of Bate O. Reed for enrollment as a citizen of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the person above named as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Yours truly,

Tamm Bixby
Acting Chairman.
AK

Encl. D-653.

~~Bate O Reed~~

~~A. Original testimony, Oct 19 1900~~

~~B. Memo. of application Oct 19 1900~~

~~C. Marriage certificate - A. S.~~

~~D. Marriage license and certificate - Chert~~

~~A.~~

~~Sept 27 1900 Canceled and
transferred to 18~~

~~See Clerk's Record - 18~~

Cher D 654

Cher D 654

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., October 19, 1900.

In the matter of the application of George Whitwair for the enrollment of himself, brother and sister, as Cherokee citizens; being sworn and examined by Commissioner Needles he testified as follows:

Q What is your name? A George Whitwair.
Q How old are you? A 23.
Q What is your post-office address? A Hayden.
Q In what district do you live? A Gowaangowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Are you a Cherokee by blood? A Yes sir, by blood.
Q Who do you want to enroll? A I want to enroll myself.
Q Anybody else? A I have got a sister and brother I want to enroll.
Q How old are they? A My youngest brother is 14; my sister is 17.
Q What is the name of your sister? A Battie.
Q How old is Battie? A 17.
Q What is the name of your brother? A Johnson.
Q What is the name of your mother? A My mother is Rachel Whitwair-used to be.
Q Is she living? A She is dead.
Q What is the name of your father? A Josh Whitwair.
Q Is he living? A No sir, he is dead too.
1890 roll page 199 #2318 as George Glass Gowaangowee as District, Freedmen's Roll, - Note: on roll says "Colored."
Applicant says that note is a mistake.
Q In what district were you in 1890? A Same District.
A I I guess not; we had to go to Tahlequah to get the mistake changed. My mother did go by the name of Gowaangowee.
May a she put our names down as Glass.
1890 roll page 170 #2052 George Glass Gowaangowee as, native Cher.
1896 roll page 170 #2056 Johnson Glass "
1896 roll page 170 #2055 Bettie Glass "
Q Their names as Whitwair? A That was our father's name, he went by Whitwair and Glass to; my mother just put our names down as Glass on the 1890 roll.
Q What is Battie's - John's mother's name now? A Rachel
1890 roll page 190 #3017 Rachel Whitwair Gowaangowee, "Colored".
Q Your mother is on the colored roll as a colored woman? A
No, my mother is a full-blood Cherokee.
Q How long have you lived in the Cherokee Nation? A I was born and raised here.
Q Your brother and sister too? A Yes sir.
Q Lived here always? A Yes sir.

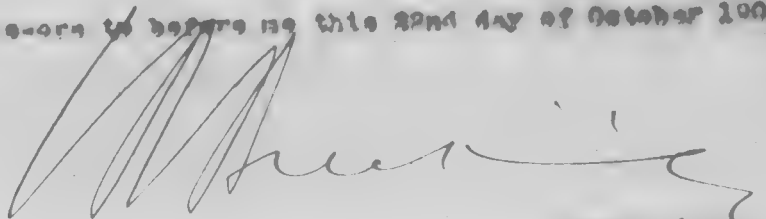
Com'r Needles. The name of George Whitwair appears upon the authenticated roll of 1890 as "colored"; his name is also found upon the census roll of 1896 as an Indian, as Glass; he applies for the enrollment of himself and his sister, Battie, and his brother Johnson, and the names of Battie and Johnson appear upon the census roll of 1896 as Bettie Glass and Johnson Glass; he avers that they are the children of Rachel Whitwair, who is found upon the authenticated roll of 1890 as a colored citizen; they are duly identified according to page and number of the rolls as indicated in the testimony; satisfactory proof is made as to their residence, and being no satisfactory proof as to their nationality of these parties, as to whether they are colored or Indians by blood, final judgment as to which roll they should be placed on will be suspended, and their names will be placed on a doubtful card, for the reason that no satisfactory proof is made as to whether they are colored citizens of Indians.

George Whitmire et al 2

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this 22nd day of October 1900.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I. T., November 16, 1900.

In the matter of the application of George Whitmore for enrollment as a Cherokee citizen, being sworn by Commissioner F. B. Needles, testified as follows--

Supplementary Testimony.

Interpreted by J. H. McGuire.

Witness, John McIntosh, sworn and examined, testified as follows:

- Q What is your name? A John McIntosh.
Q Do you know George Whitmore? A Yes sir.
Q You know his mother? A Yes sir.
Q What was his mother's name? A Rachel Glass.
Q What is her father's name? A Johnson Robins.
Q Was Rachel Glass a colored woman or an Indian? A Cherokee.
Q Cherokee by blood? A Yes sir.
Q Do you know this man's father? A Yes sir.
Q What was he? A Colored.

By W. W. Hastings to witness--

- Q How long did you know his mother? A Can't say how long; I have known her; just see her once in a while.
Q Was he intimately acquainted with her; knew her well? A He said he was intimately acquainted with the father.
Q Was he intimately acquainted with the mother? A Yes sir.
Q How far did he live from them? A Very frequently visited her father's house, Mr. Robins, and that is how he got acquainted with her.
Q How far did he live from her? A She lived here on Salt Creek, and he lived down here.
Q How far; can he estimate how far that is apart? A 12 or 14 miles.
Q How long did he live that near? A Ever since she married this boy's father; sometime during the war.

Commissioner Needles--

- Q You know positively that George's mother was an Indian and his father was a colored man? A Only that he knows that she is the daughter of Johnson Robins.

By W. W. Hastings--

- Q John Robins wife might have been part colored? A No; she was a Cherokee.
Q This boy's mother has no colored blood in her; you know that it's all Cherokee? A All Cherokee as far as I know.

By W. W. Hastings to applicant--

- Q Did you draw Cherokee strip money with the Cherokees or did you draw with the colored people? A With the Cherokees.
Q In 1894? A Yes sir.
Q You drew that money? A Yes sir, mother did. She drew it as Rachel Glass. My father was a freedman, and his father was an Indian.
1894 roll; page 187, \$1775, Geo. W. Glass, Cooweeagowee.

E. S. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 16th day of November, 1900.

E. S. Rothenberger
Commissioner.

SUPPLEMENTARY 4 copies with 1 copy each with each of Eliza Roca
taken this day.

Department of the Interior,
Commission to the Five Civilized Tribes,
Wash., D. C., November 22, 1900.

In compliance of the application of Mrs. Eliza Roca as a Cherokee citizen:

J. E. Campbell, being sworn by Com'r Brackinridge and examined by the Commission testified as follows:

Q What is your name? A J. E. Campbell.

Q What is your age? A 58.

Q What is your post-office address? A Alluwee, Indian Territory.

Q Are you acquainted with the applicant, Eliza Roca? A No, I am not.

Q Were you acquainted with her mother? A Yes.

Q Do you know whether or not her mother was a Cherokee by blood or a freed woman? A Her mother was identified with the freedmen but my understanding is that she was a Cherokee by blood.

Q Do you know of your own knowledge whether her mother was a full-blood Cherokee woman I wouldn't suppose from her appearance that she was a full-blood, she was known as a Cherokee, and had the appearance of being almost a full-blood.

Q Had she ever been recognized by the Cherokee Nation as a Cherokee by blood, that is, the applicant's mother? A I don't speak with absolute positiveness about that, but it is my belief and my recollection that she has drawn money as a Cherokee.

Q Her name appears upon the duly treated roll of 1890 as a colored woman, do you know whether she has been subsequently recognized as a Cherokee by blood or instead of a freed woman?

A It is my recollection that she drew money as a Cherokee.

Q Have her children always been recognized as Cherokees by blood or freedmen? A They have been identified with the freedmen, but they I think have drawn money as Cherokees.

Examined by Caleb Starr, Cherokee Rep'v.

Q How long have you known this girl's mother? A Probably for 20 years or more.

Q Have you been intimately acquainted with her? A She lived neighbor and traded at my store a good deal during her life time.

Q How far did she live? A About six or 7 miles.

Q Has she any colored blood in her? A Well I couldn't say about that.

Q You don't know that she is all Cherokee? A No sir.

I stated directly that I understood that from her appearance that she was about a full-blood; her hair was perfectly straight and she was dark, and she was known as a Cherokee.

Q Do you know of your own knowledge whether she ever drew Cherokee money? A I believe she did as a Cherokee; I know she has always drawn, because she participated in the payments, and it is my recollection that she is a Cherokee.

Q You haven't been acquainted with her long enough to know whether or not she was a ~~slave or freed woman~~ slave or freed woman? A No, I haven't.

LEWIS WHITMIRE, being sworn and examined by the Commission testified as follows:

Q What is your name? A Lewis Whitmire.

Q Are you acquainted with the applicant here, Eliza Roca?

A Yes sir.

Q How long have you known her? A Ever since she was born.

Q Did you know her mother? A Yes sir.

Q Was her mother a freedman or a Cherokee? A Cherokee.

Q Was she always recognized as a Cherokee? A Yes sir, she was always recognized as a Cherokee.

POOR ORIGINAL -
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Miss Rose et al 2

Q Do you know whether or not her mother was ever a slave? A No sir, her mother was a Cherokee too.

Examined by Caleb Stark, Cherokee Rep'ye.

Q How long have you known her mother? A I knowed her of Whit-mire, or Rachel Glane, or whatever you have got her name down, I knowed her mother ever since she was a little baby; lived close neighbor to her; born right in the same neighborhood.

Q How old are you? A I guess I must be close on to 68 years I don't know exactly.

Q Were you always lived as a neighbor to her and near her?

A Always did until after the war separated us, and then I was in the country where I was acquainted with them all along up until now; I have knowed the family of people ever since I first got big enough to know people.

Q Do you know whether there is any colored blood in her or not?

A No sir, ~~she~~ there was none that ever I heard of; not a drop.

Q Was she ever classed as a colored person before 1880? A Not that ever I knowed of.

Q Do you know of her drawing money before 1880 with the Cherokee's ~~money~~? A Why she was a small girl, this Rachel Whit-mire was, when they drawed the immigrant money here; her parents drawed for her I recollect that.

Q Did she draw as a Cherokee? A Yes sir.

Q Was her father a colored man or an Indian? A Her father was an Indian.

Q Was her mother an Indian? A Yes sir.

Q Was she drawn money since 1880? A Well she might have drawed since that, - I don't know.

M.D. Green, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this 20th day of November 1900.

Cherokee

Commissioner.

DEPARTMENT OF THE ARMY
COMMUNICATIONS SECTION
11 12 1944
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JOHN R. HARRIS

8654

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., NOVEMBER 8th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
George Whitmire as a Cherokee citizen, introduced on part of the
applicant.

Appearances,

Applicant present in person,

Mr. Hastings, Cherokee Representative.

SAM ENGLAND, being duly sworn and examined by Commissioner
Needles, testified as follows on part of applicant, through
Interpreter Simon R. Walkingstick:

- Q What is your name? A Sam England.
Q How old is he? A About 38 years old.
Q What is your post office? A Peggs.
Q Are you a full blood Cherokee? A Yes, sir.
Q Do you know George Whitmire? A Yes, sir.
Q Do you know his sister, Bettie, and his brother Johnson?
A Yes, sir, I knew them.
Q Do you know their mother? A Yes, sir, I knew them.
Q What was her name? A Her maiden name was Rachel Robbins.
Q Was she a Cherokee by blood? A Yes, sir, she was a full blood
Cherokee.
Q Did you know George Whitmire's father? A Yes, sir, I knew him.
Q What nationality was he? A I think he must have been a colored
man, had some colored blood.
Q How long did you know George Whitmire's mother? A I knew
her nearly all her life, until she grew up to become grown, she was
first cousin of mine.
Q I understand him to say that she was a full blood Cherokee?
A Yes, sir.
Q You knew her well and knew her all her life? A Yes, sir.
Q Is she living now? A No, sir.

Com'r Needles: From the evidence there appears to be no
doubt but that George Whitmire and his sister Bettie and his
brother Johnson should be listed for enrollment as Cherokees
by blood.

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J. O. Reason, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic notes
thereof.

J. O. Reason

Subscribed and sworn to before me this November 9th, 1901.

[Signature]

Commissioner.

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6-24-70 JALISCO HONOLULU HI
6-24-70 JALISCO HONOLULU HI
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I am very glad to hear that you are well and hope you will continue to be so. I am well and hope you will continue to be so. I am very glad to hear that you are well and hope you will continue to be so.

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1. The first part of the paper is devoted to a general discussion of the problem of the existence of solutions of the system of equations (1) for arbitrary values of the parameters α and β . It is shown that the system of equations (1) has solutions for arbitrary values of the parameters α and β if and only if the conditions $\alpha \geq 0$ and $\beta \geq 0$ are satisfied.

LETTER FROM THE ROYAL SOCIETY OF MEDICINE TO THE ROYAL SOCIETY OF MEDICINE

1955

"R"

Cherokee D 654

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., March 5, 1903.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
George Whitmire for the enrollment of himself, brother and sister
as Cherokee citizens.

Appearances:

E. B. Lawson, Nowata, I. T., attorney for the applicant;
W. V. Hastings, attorney for the Cherokee Nation.

BY COMMISSIONER: The applicant and his attorney were notified
by registered letter February 14, 1903, that the application of
George Whitmire and others for enrollment of himself, brother
and sister as citizens of the Cherokee Nation would be taken up
for final consideration by the Commission at its office in
Muskegee, Indian Territory, on the 5th day of March, 1903; re-
ceipt has been acknowledged of the Commissioner's letter and the
applicant this day, to-wit: the 5th day of March 1903, appears
by his attorney, E. B. Lawson, Nowata, I. T.

BY COMMISSIONER OF LANDS: Any statement you desire to make?

A No sir, I desire to file a brief.

You submit the case do you? A Yes sir.

MR. LAWSON: Eliza Rose is a sister of George Whitmire, and
the same proof in this case applies to hers.

BY COMMISSIONER: The attorney for the applicant submits in be-
half of the applicant and the attorney for the Cherokee Nation,
in behalf of the Nation submit the case, and same is ordered
closed and reported to the Commission for final decision,
based upon the evidence now of record.

M. D. Green, hereby certifies that as stenographer to the Commission
to the Five civilized Tribes he correctly recorded the testimony and
proceedings in this case and that the foregoing is a true and com-
plete transcript of his stenographic notes thereof.

M. D. Green

Before the Honorable Dawes Commission, sitting at Muskogee, I. T.

In the matter of the application for enrollment of George Whitmire et al, as Citizens of the Cherokee Nation.

Comes now George Whitmire and represents to this Court that his Mother, Rachel Whitmire, was a native Cherokee and of full blood, and that she lived in the Cherokee Nation all her life, and that the applicants herein were all born and raised in the Cherokee Nation.

The only contention in this case is whether the applicants should be enrolled on the Freedmen roll or on the roll of native Cherokees.

The name of George Whitmire, one of the applicants appears on the 1880 roll, page 199, as number 3818, and a note after the name "colored"; on the 1896 roll, the names of all the applicants appear as native Cherokees.

The testimony of J. E. Campbell, Lewis Whitmire, John McIntosh and Sam England shows conclusively that the Mother of these Children was a native Cherokee, and drew money as a Cherokee and was always recognized as such by the Cherokees.

We see no reason whatever why the applicants should not be placed on the rolls of the native Cherokees, as their status is the same as that of their Mother, Rachel Whitmire.

E. B. Lawson
Attorney for applicants.

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Department of the Interior,
Commission to the Five Civilized Tribes.

Muskogee, Y. T., May 8, 1902.

In the matter of the application of
George Whitmire for enrollment as a
citizen of the Cherokee Nation.

Cherokee D. 654.

Brief on behalf of the Cherokee Nation.

~~XXXXXXXXXXXXXXXXXXXX~~

The testimony shows that George Whitmire, the applicant, appears upon the 1880 roll as colored; and the testimony also shows that his mother, Rachel Whitmire, appears upon the roll of 1880, as and she is also marked "colored".

The only question in this case is as to how the applicant should be enrolled, whether as a Cherokee or a colored man. And in as much as both he and his mother appear upon the roll of 1880, which was confirmed by Act of Congress, as being colored, we submit that his status is fixed, and that he should be enrolled by this Commission as a Cherokee Freedman.

Respectfully submitted,

Attorney for the Cherokee Nation.

W H M

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George Whitmire for the enrollment of himself, his brother Johnson Whitmire and his sister Bettie Whitmire as citizens by blood of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on October 19, 1900, George Whitmire appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment of himself, his brother Johnson Whitmire and his sister Bettie Whitmire as citizens by blood of the Cherokee Nation. On November 16, 1900, at Chelsea, Indian Territory, further testimony was taken relative to this application. On November 6, 1901, at Tahlequah, Indian Territory, and on March 5, 1902, at Muskogee, Indian Territory, further proceedings were had. A copy of the testimony taken in the matter of the application of Eliza Ross was filed with and made a part of this record.

The evidence shows that the principal applicant, George Whitmire is identified on the authenticated tribal roll of 1880, and that Johnson and Bettie Whitmire are the descendants of Rachel Whitmire who is identified on the 1880 roll, born to her since the completion of such roll. It appears that George Whitmire and his mother Rachel Whitmire are described on the 1880 roll as colored. The applicants, however, are identified on the Cherokee Census roll of 1896 as Cherokees under the name of Glass. The evidence establishes that the father of the applicants was colored, but that their mother, Rachel Whitmire, was a Cherokee Indian.

The evidence further shows that the applicants have resided in the Cherokee Nation all their lives and that they were residents of said Nation at the time of the application herein.

It is, therefore, the opinion of this Commission that George Whitmire, Johnson Whitmire and Bettie Whitmire should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

this _____

SEP 20 1902

ESBY

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AVIESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 654.

ADDRESS IN REPLY TO
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 26, 1902.

W. W. Hastings,

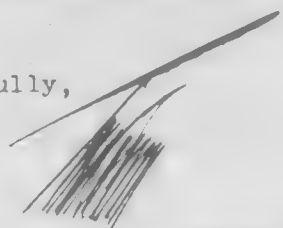
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of George Whitmire for the enrollment of himself, his brother, Johnson Whitmire, and his sister, Bettie Whitmire, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. C. No. 45.

George Thompson

A. Original testimony Nov 19 1900

B. Return of application Nov 19 1900

C. Supplemental testimony Nov 16 1900

D. Supplemental testimony Nov 20 1900

E. Receipt for testimony

Supplementary testimony Nov 6 02
Noting of final consideration 3/5/02

Accepted for testimony

Noting of testimony

Order of testimony 3/5/02

See China report in 1904

" " " 1903

Cher D 655

Cher D 655

Applicant and child Delaware:

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., October 15th, 1900.

In the matter of the application of Nonie Barnadollar for the enrollment of herself, husband and child as Cherokee citizens, she being of Delaware blood; being sworn and examined by Commissioner Needles she testified as follows:

- Q What is your name? A Nonie Barnadollar.
Q What is your age? A 39.
Q What is your post-office address? A Coffeyville.
Q What district do you reside in? A I am residing at Coffeyville at present, in Kansas.
Q Are you a recognized citizen of the Cherokee Nation, by blood?
A Yes sir.
Q What degree of blood do you claim? A Delaware, I was adopted as a Cherokee.
Q Are you Delaware by blood? A Delaware by blood.
Q For whom do you apply for enrollment? A Myself, husband and child.
Q Is your husband present? A Yes sir.
Q What is the name of your husband? A James J. Barnadollar.
Q What is his age? A 58.
Q Is he a white man? A Yes sir.
Q Have you a certificate of marriage? A Yes sir. (Produces papers)

Com'r: The applicant presents certificate of marriage, certifying that she was married to one Mr. James J. Barnadollar, and under the name of Miss Loretta I. Pratt, married on the 24th day of December 1888, according to the laws of the Cherokee Nation.

- Q What is your name now? A I go by the name of Nonie Barnadollar.
Q Do you sign it that way? A I sign my name Nonie Barnadollar.
Q What is the name of your child? A Pratt.
Q How old is he? A 9.
Q On y one child? A One child.
1888 roll page 150 #2243 as Nannie Pratt Cooweescoowee, adopted Delaware;
1898 roll page 361 #118 as Nanie Barnadollar, Cooweescoowee Dist;
1896 roll page 297 #160 James J. Barnadollar "
1897 roll page 361 #120 Pratt Barnadollar, "

Note On Roll: "Residing in Coffeyville, Kansas, with all effects".

- Q How long have you lived in the Cherokee Nation, or did you reside in the Cherokee Nation at all? A Yes sir, I have resided in the Cherokee Nation about, well I considered it my legal home for 27 years.
Q But hasn't been your actual residence? A My actual residence has been Coffeyville.
Q You give your residence as Coffeyville now? A Yes sir.
Q You owned property in the Cherokee Nation? A Our interests are here.

JAMES J. BARNADOLLAR, being sworn and examined by Com'r Needles testified as follows:

- Q What is your name? A James J. Barnadollar.
Q Are you the husband of Nonie Barnadollar? A Yes sir.
Q You are a white man? A Yes sir.
Q Do you reside in the Cherokee Nation? A No sir, I am residing in Coffeyville, Kansas.
Q Never have had an actual residence in the Cherokee Nation?
A Well, no, I have always regarded this as my legal home, Cherokee laws made it so; I have done business in this place for 10 years nearly; own property; that note is not correct at the time

Nonie Barndollar et al 2

that that note was made I was doing business and had been for years; had a farm, owned property, stock, had at the time—

Q You continue to exercise citizenship in Kansas? A No sir, I have never voted or attempted to vote outside of the Cherokee Nation within that time. And I have voted in the Cherokee Nation.

Q Ever serve on a jury in the State of Kansas? A Never since that time; I was objected to.

Q What date do you fix for that, since that time you were married? A Since my marriage; I have never been summoned except once, shortly after that time, and was objected to.

Q Any other statement you desire to make in regard to this residence? A Only statement I can make is when I have ever since my marriage been in poor health, I am now, and for the sake of health and comfort I reside in Coffeyville; good parts of the year we are away from home at other parts of the United States; I have always exercised the rights of citizenship in the Nation, and nowhere else; I have had property interests here all the time.

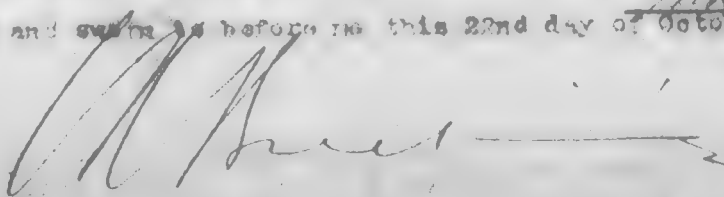
Com'r The applicant presents certificate from B. W. Alberty, Assistant Executive Secretary of the Cherokee Nation, under the seal of the Cherokee Nation, certifying that a marriage license under date of December 21st, 1898, was issued to James Barndollar a United States citizen to marry Miss Nonie Pratt, a Cherokee citizen, said license being in due form as required by law.

Com'r Needles: The name of Nonie Barndollar appears upon the authenticated roll of 1890 as Nonie Pratt and upon the census roll of 1896 as Nonie Barndollar; she is duly identified as Nonie Barndollar; she applies for the enrollment of herself as a Delaware citizen by blood; she presents satisfactory proof of marriage to one James J. Barndollar, a citizen of the United States; she avers that by said marriage she has one child, named Pratt, whose name also appears upon the census roll of 1890 and the name of her husband, James J. Barndollar, appears upon the 1896 census roll of 1896; they are duly identified according to page and number of the rolls as indicated in the testimony, and they give evidence as to their residence; James J. as to their residence;

Now comes the Cherokee Nation by its representative, and protests against the enrollment of said Nonie Barndollar and her husband, James J. Barndollar, she applying as a Delaware citizen by blood and he as a Cherokee citizen by intermarriage; because of the fact of their residence as claimed by said representatives of the Cherokee Nation, being in the State of Kansas; consequently the final judgment as to the enrollment of said Nonie Barndollar and her husband James J. Barndollar and her son, Pratt, will be suspended, and their names will be placed upon a doubtful card.

M. D. Green being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 22nd day of October 1900.



Comm. encliner.

DEPARTMENT OF THE ARMY
COMMISSION TO THE FIVE
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Supl.-C.D.#555.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 2, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
JAMES J. BARNDOILLAR, d. #555, and NEMIE BARNDOILLAR, BT AL., Del.
D. 17, as citizens of the Cherokee Nation.

The applicants were notified by registered letter February 15, 1902, that their application for enrollment as citizens of the Cherokee Nation would be taken up by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902. Receipt has been acknowledged of Commission's letter, and the applicants this day appear by their attorney, E. B. Lawson, Nowata, Indian Territory:

Commission of Mr. Lawson: Is there any statement you desire to make relative to this application?

Mr. Lawson: The only statement I desire to make is that I request 20 days in which to file a brief of the case.

Commission: Aside from that do you submit it to the Commission?

Mr. Lawson: Yes, sir, I have no further evidence.

The attorney for the applicants in behalf of applicants and The attorney for the Cherokee Nation in behalf of the Nation submit the case. The same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

The attorney for the applicants requests and will be granted 20 days in which to file a brief, one copy with the Commission and one copy with the representative of the Cherokee Nation

I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings had in this case on the above date and that the foregoing is a true and complete transcript of my stenographic notes thereof.

E. B. Lawson
Stenographer.

R.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.
Muskegee, Indian Territory, October 14th, 1902.

In the matter of the application of James J. Barndollar for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-658.

Cherokee Nation appears by J. C. Starr.

MRS. JAMES J. BARNDOLLAR, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name? A. Mrs. J. J. Barndollar.

Q. How old are you? A. 41.

Q. What is your post office? A. Well, my husband's business address is Nowata, Indian Territory; my person address is Coffeyville, Kansas.

Q. That is where your mail would go? A. Yes, sir.

Q. Your husband is a white man, is he? A. Yes, sir.

Q. You are a Delaware Indian? A. Yes, sir.

Q. When were you married to your husband? A. It was 13 years ago.

Q. Was he married to you under a Cherokee marriage license?

A. Yes, sir.

Q. Are you his first wife? A. First wife.

Q. Is he your first husband? A. First husband.

Q. Have you and your husband been living together ever since your marriage? A. Yes, sir.

Q. Never been separated? A. No, sir.

Q. How long has your husband lived in the Cherokee Nation? A. Why he has been in business there 13 years; ever since our marriage.

Q. In business where? A. Nowata. That is where all his business mail goes. We have a residence in Coffeyville. My husband is an invalid. He spends his summers in resorts and spends some of the time at Coffeyville. The physician as recommended it. Here is a note from his physician. We have always had a representative at Nowata and that has been his business. He has a room there and spends most of the time he is able to there.

Q. At Nowata? A. At Nowata.

Q. Have you a home there? A. We have a furnished room and board at the hotel.

Q. Do you own a home in Coffeyville? A. Yes, sir.

Q. He spends his summers-----A. At a summer resort or sanitarium.

Q. How long have you been living in Coffeyville? A. All our married life.

Q. Was he an invalid when you were married? A. He was soon after we were married. He was recommended by his physician to give up his business as much as possible. I lived in the Territory about 20 years prior to our marriage.

Q. It has only been since your marriage you lived out?

A. Yes, sir.

Q. What is your husband's business? A. He is a general merchant at Nowata. His nephew looks after his business.

Q. Has your husband voted in the Cherokee Nation ever since your marriage? A. Always.

Q. Ever vote in Kansas? A. No, never voted in Kansas.

Q. Do you regard Kansas or the Cherokee Nation as your home?

A. We consider the Cherokee Nation as our proper home; always; that is where our interest is.

Examination by Mr. Starr.

Q. Is your husband in any business in Coffeyville? A. Only as stockholder. Nothing that he is with at all. He was in business and he gave that up.

Q. Your husband has never lived in the Territory? A. No, but he roomed there and considers it his home when he is there. He is there as much as in Kansas when he can attend to it.

Examination by the Commission.

Q. Do you own any farm or property in the Cherokee Nation?

A. Yes, sir; at Nowata.

Q. Do you still own that? A. No, sir.

Q. Sold it? A. Yes, sir.

Q. Your husband owns this store property? A. Yes, sir; and lots.

Q. Where are the lots? A. Nowata; only in Nowata. He has given that his entire attention.

Q. Where were you living June 26th, 1898? A. That is since our marriage. We lived in Coffeyville since our marriage.

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Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 1st day of December, 1902.

Jesse O. Carr

[Signature]
Notary Public.

Special Agent in Charge, Federal Bureau of Investigation, Washington, D.C.

The following information was received from the Bureau of Investigation, Washington, D.C., on September 1, 1932:

RECEIVED SEP 1 1932

EXAMINER
COMMISSION TO THE

CHAIRMAN

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On September 1, 1932, the following information was received from the Bureau of Investigation, Washington, D.C., on September 1, 1932:

The following information was received from the Bureau of Investigation, Washington, D.C., on September 1, 1932:

Copy

Before the Commission to the Five Civilized Tribes, sitting at Muskogee, Indian Territory.

In the matter of the application for enrollment as Citizens of the Cherokee Nation of James J. Barndollar, Nonie Barndollar and Pratt Barndollar,

Brief, on the part of the applicants:-

Come now the applicants herein and represent to the Commission, that the applicants Nonie Barndollar and Pratt Barndollar claim citizenship in the Cherokee Nation by reason of being Indians by blood, and the applicant, James J. Barndollar, claims rights of citizenship in the Cherokee Nation by adoption.

The evidence shows that the name of Nonie Barndollar appears upon the 1880 roll as Nanny Pratt, and the names of all the applicants appear upon the 1896 roll.

The evidence further shows that the applicant, James J. Barndollar was married to his wife on the 26th day of December 1888, according to the Laws of the Cherokee Nation.

We call the attention of the Commission to the Act of Congress of June 23rd 1898, Sec. 21 of the Curtis Act, which provides, "That in making rolls of citizenship of the several tribes, as required by Law, The Commission to the Five Civilized Tribes is authorized and directed to take the rolls of Cherokee Citizens of 1880 (not including Freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on the said roll, and all descendants born since the date of the said roll to persons whose names are found thereon; and all persons who have been enrolled by the Tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents by reason of their Cherokee blood, have been lawfully admitted to Cherokee citizenship by the Tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the rights of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of Law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Cherokee citizenship".

It must be born in mind that the name of the applicant, Nonie Barndollar appears on the 1880 roll, and it must also be born in mind that the applicant, Pratt Barndollar is the son of Nonie Barndollar, and the other applicant, James J. Barndollar is the husband of the applicant, Nonie Barndollar, and was married to the said Nonie Barndollar in accordance with Cherokee Law.

It would seem to us that the Commission, on the face of such showing, and in the face of their instructions heretofore referred to could not do otherwise than to enroll the applicants.

The objection urged against the enrollment of the applicants by the Cherokee Nation, is that the applicants reside in the town of Coffeyville in the State of Kansas.

The evidence in this case shows that since the marriage of the applicants, Nonie Barndollar to James J. Barndollar, that the applicants have resided in Coffeyville, State of Kansas, but that prior to said marriage, applicant, Nonie Barndollar resided in the Cherokee Nation, Indian Territory.

The evidence goes further and shows that at all times since applicants have resided in Coffeyville, that they have had farms, stock, and have done a general merchandise business in the Cherokee Nation, Indian Territory, during all that time; that in fact they have owned thousands of dollars worth of property in the Cherokee Nation since their marriage and that they still have great property interests in the said Cherokee Nation.

The evidence goes further and shows that the applicant, James J. Barndollar, has never voted or attempted to vote and has never served on a jury in the State of Kansas, but that ever since his said marriage to said Nonie Barndollar he has always voted in the Cherokee Nation and has always been recognized as a citizen of the Cherokee Nation; and that during the time he has lived in Coffeyville that his health has been very poor and for the sake of his health he has lived mostly in the said town of Coffeyville.

Now let us review the Laws of the Cherokee Nation and see whether the Cherokee Nation has a right to protest against the enrollment of the applicants on the grounds of non-residence.

Section 2 of Article I of the Constitution of the Cherokee Nation

which can be found in the Laws of the Cherokee Nation of 1808, on page 18 reads as follows; "And that, whenever any Citizen shall remove with his effects out of the limits of the Nation, and becomes a Citizen of any other Government all his rights and privileges as a Citizen of this Nation shall cease."

In the first place, applicants have not taken their property out of the Cherokee Nation, but have at all times owned thousands of dollars worth of property here; and, in the next place, they have never become Citizens of the State of Kansas, for the reason they have never voted there, but have at all times exercised their rights of suffrage in the Cherokee Nation.

58 In the case of Elk vs Wilkins, 112 U. S. 94, it is held, that, "An Indian born a member of one of the Indian Tribes within the United States which still exists, who has voluntarily separated himself from his Tribe, and taken up his residence among the white Citizens of a State, but who has not been naturalized, or taxed, or recognized as a Citizen by the United States of the State, is not a Citizen of the United States, within the meaning of the Fourteenth Amendment to the Constitution". and again it was held, in the same decision, that, "A petition alleging that the plaintiff is an Indian, and was born within the United States, and has severed his tribal relations with his tribe, and fully and completely surrenders himself to the jurisdiction of the United States, and is a boni. fide. resident of Omaha, in the State of Nebraska, does not show that he is a Citizen of the United States under the Fourteenth Amendment of the Constitution of the United States. ".

For the reasons herein stated we believe that all the applicants are entitled to enrollment as Citizens of the Cherokee Nation.

G. B. Loomis
Attorney for applicants

Department of the Interior,
Commission to the Five Civilized Tribes.

Washoe, D. C., May 8, 1887.

In the matter of the application of
James J. Barndollar for the enrollment
of himself as a citizen of the Cherokee
Nation by intermarriage and his wife as
a citizen of Delaware blood.

Cherokee D. 655.
Delaware D. 17.

Brief on behalf of the Cherokee Nation.

The testimony in this case shows that James J. Barndollar is a white man; that his wife is a Delaware; and that prior to their marriage she was a resident of the Cherokee Nation, and her name appears upon the roll of 1880; that they were married in accordance with the Cherokee law on December 26, 1886, and since that time have resided continuously in Coffeyville, Kansas, where James J. Barndollar is engaged in business; and he testifies that he has never had an actual residence in the Cherokee Nation.

There is a note upon the 1886 census roll to the effect that he and his wife are "Residing in Coffeyville, Kansas, with all effects", and because of their residence they were listed for enrollment by the Commission upon a doubtful card, - the husband upon Cherokee Doubtful No. 655, and the wife on Delaware Doubtful No. 17.

There is but one question for the Commission to determine, and that is what affect their residence in Coffeyville, Kansas, may have upon their right to be enrolled as citizens of the Cherokee Nation, they having resided continuously there ever since their marriage in December, 1886. Of course the residence of the husband is that of the wife, and her citizenship would follow that of her husband.

Respectfully submitted,

Attorney for the Cherokee Nation.

10
James L. Farnsworth

A. Original testimony Oct 19, 1900

B. Memo of application Oct 19-1900

C. Statements and affidavits relative
of now-residence in Nation.

D. Notice of final consideration, 3/6/02

Receipt for testimony.

E. Order closing testimony, March 6, 1902

F. Brief for applicant.

See Bureau are back in 1907

OCT 26 1907

Cher D 656

Cher D 656

Department of the Interior
Commission to the Five Civilized Tribes.
Cherokee, I. T., October 22, 1900.

In the matter of the application of George W. Ward for the enrollment of himself, wife and children as Cherokee citizens; he being sworn and examined by Commissioner E. H. Brookbridge, testified as follows:

- Q Give me your full name? A George W. Ward.
Q How old are you? A 44 years old.
Q What is your postoffice? A Claremore, I. T.
Q Do you live in Cooweescoowee district? A Yes sir.
Q Do you want to enroll yourself and family? A Yes sir.
Q Have you a wife? A Yes sir.
Q How many children have you? A Five.
Q Are you a Cherokee by blood? A Yes sir.
Q What's your wife? A White woman.
Q How long have you lived in the Cherokee Nation? A Ever since '79.
Q You are on the roll of 1880? A No sir.
Q Why not? A I was admitted in 1880.
Q Have you your certificate of admission? A Yes sir.
The applicant presents a duly authenticated certificate of admission to citizenship by the Commission on Citizenship showing that on October 1, 1880 certain persons were admitted to Cherokee citizenship, and among them appears the name of George Ward.
Q That is your name, is it? A Yes sir.
This is identified as official evidence of the admission of the applicant at the time stated.
Q Who was Emma Blackwood? A My sister.
The document is returned to the applicant.
Q Have you lived in the Cherokee Nation ever since you were admitted in 1880? A Yes sir.
Q Give me the name of your wife? A Clara V. Ward.
Q How old is she? A 45.
Q When did you marry her? A I married her in '79 I believe it was.
The applicant presents an official copy of the records of Wayne County, State of Tennessee, given by the Clerk of the County Court, showing that the applicant was married to his wife in December, '77. This is filed herewith.
Q Were you ever married except to this wife? A No sir.
Q Was she ever married except to you? A No sir.
Q Has she lived with you ever since you were admitted to citizenship and in the Cherokee Nation? A Yes sir.
Q You were never remarried under Cherokee law after you were admitted? A No sir.
Q Give me the names of your children? A Amos P.
Q How old is that child? A 30 years old.
Q Next child? A William R.
Q How old is he? A 17 years old.
Q Next child? A Margaret C.
Q How old is that child? A 15 years old.
Q Next child? A Nathaniel.
Q How old is he? A 13 years old.
Q Next child? A Pearl.
Q How old is she? A 9 years old.
Q These children all living now are they? A Yes sir.
1886 roll; page 282, #5160, George Ward, Cooweescoowee.
1886 roll; page 330, #1181, Clara Ward, Cooweescoowee.
1886 roll; page 282, #5161, Amos Ward, "
1886 roll; page 282, #5162, Wm. Ward, "
1886 roll; page 282, #5163, Catherine Ward, "
1886 roll; page 282, #5164, Nathaniel Ward, "
1886 roll; page 282, #5165, Pearl Ward, "
Commissioner.

The applicant applies for the enrollment of himself, his wife, and five children. He is shown to have been admitted to Cherokee citizenship in 1880 too late to be upon the roll of 1880, but he

2-6.V.11.

The issue is the Cherokee he has ever since his admission. He is identified on the roll of 1893, and will be listed now for enrollment as a Cherokee by blood. His wife married him prior to his admission to citizenship. She has never been married to him under Cherokee law. She is identified on the roll of 1893 and has lived with her husband ever since his admission to Cherokee citizenship. The Cherokee Commission can decide to be heard in regard to the rights of a wife not admitted simultaneously with her husband, or not re-enroll her her husband's admission; and therefore, for the present, the application for the enrollment of the applicant's wife will be placed upon a white card for further consideration. The five children named in the testimony are all identified on the roll of 1893. They are minors, and all living now, and will be listed for enrollment as Cherokees by blood.

H.C. Rothberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he recited in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

Subscribed and sworn to before me this 22nd day of October, 1903.

H.C. Rothberger
[Signature]
Commissioner

5656

DEPARTMENT OF COMMERCE
COMMISSION TO THE EFFECT
FEB 11
OCT 24 1900

Handwritten signature and initials, possibly "J. H. H."

Cherokee D 686

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 5, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Clara V. Ward for the enrollment of herself as a citizen of the
Cherokee Nation.

Appearances:

Joe M. Lahay, attorney for the applicant, Claremore, I.T.
W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered
letter February 15, 1902, that her application for the enrollment
of herself as a citizen of the Cherokee Nation would be taken
up for final consideration by the Commission at its office
in Muskogee, Indian Territory on the 6th day of March, 1902;
receipt has been acknowledged of the Commission's letter and the
applicant this day appears by her attorney Joe M. Lahay and
requests that the case be taken up for final consideration.

BY COMMISSION OF ATTORNEY LAHAY: Any statement you desire to
make relative to the application? A No; that is merely a
question of law; they have filed their re-admission papers
with the exception of the wife, and there is nothing we can do
only submit the case to the Commission for final hearing.

BY COMMISSION: The attorney for the applicant and the repre-
sentative of the Cherokee Nation present submit the case and
same is ordered closed and reported to the Commission for final
hearing, based upon the evidence now of record. The attorney
for the applicant requests and will be granted 15 days in which
to file brief in the case, one copy with the Commission and one
copy with the representative of the Cherokee Nation.

I, M.D. Green, do hereby certify that as stenographer to the Commission
to the Five Civilized Tribes I correctly recorded the testimony and
proceedings in this case and that the foregoing is a true and
complete transcript of my stenographic notes thereof.

M.D. Green

Chas-6-654.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Hockage, I.T., October 28, 1902.

In the matter of the application of Clara V. Ward for enrollment
as a citizen of the Cherokee nation by intermarriage.

George William Ward being first duly sworn and examined by the
Commission, testified as follows:

- Q What is your name? A George William Ward.
Q How old are you? A Forty-six.
Q What is your postoffice address? A Claremore, I.T.
Q Are you a Cherokee by blood? A Yes sir.
Q How long have you been living in the Cherokee nation? A Ever since '79.
Q What is the name of your wife? A Clara V. Ward.
Q Is she a white woman? A Yes sir.
Q Is she claiming the right to be enrolled as an intermarried citizen
of the Cherokee nation? A Yes sir.
Q By virtue of her marriage to you? A Yes sir.
Q When was she married to you? A In '77 I think.
Q Is she your first wife? A Yes sir.
Q Are you her first husband? A Yes sir.
Q Are you living together now? A Yes sir.
Q Have you been living together ever since you were married? A Yes sir.
Q Never been separated? A Never have.
Q Did you prove up your marriage before the Commission? A Yes, I furnished
them a certificate of my marriage.
Q Was you admitted to citizenship? A Yes sir.
Q When? A September, 1890.
Q Your wife had been married to you before that? A Yes.
Q Married in the states? A Yes sir.
Q You came to the Cherokee nation when? A In 1879.
Q You and your wife together? A Yes sir.
Q You have been living in the Cherokee nation ever since that time? A Yes

Frances R. Lane upon oath states that as stenographer to the
Commission to the Five Civilized Tribes she correctly recorded the testi-
mony in the above entitled cause, and that the foregoing is an accurate
transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this November 1, 1902.

B. C. Jones
Notary Public.

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1. The first of the conditions referred to is that the person concerned should be a citizen of the United Kingdom. This condition is satisfied by the fact that the person concerned is a citizen of the United Kingdom.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Clara V. Ward as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 22, 1900, George W. Ward appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment, among others, of his wife, Clara V. Ward as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 23, 1902. The other parties to this application are differently classified and are not embraced in this decision.

The evidence shows that Clara V. Ward was lawfully married on December 26, 1877 to George W. Ward, a Cherokee Indian, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, on October 1, 1880. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. The said Clara V. Ward is identified on the Cherokee Census roll of 1896.

The evidence further shows that the said Clara V. Ward has lived with her husband in the Cherokee Nation continuously since the date of his admission to citizenship up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Clara V. Ward should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tamc Birou.

Acting Chairman.

T. B. Needles.

Commissioner.

W. A. Dawson.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 10 1902

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS S. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-656.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 18, 1902.

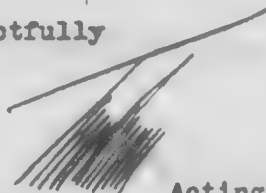
W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of George W. Ward for the enrollment of his wife, Clara V. Ward, as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully



Acting Chairman.

Enc. H-270.

Clara V. Ward

A Original testimony Oct 22-1900

B Memo. of application Oct 22-1900

C Notice of final consideration, 3/6/02

D Receipt for testimony

E Order closing testimony 3/15/02

C

See Cherokee jacket 4667

11/1/02

Chap 2117

D 657

Department of the Interior,
Commission to the Five Civilized Tribes.
Clarendon, I. T., October 22, 1900.

In the matter of the application of Mathias Washam for enrollment as a Cherokee citizen; he being sworn and examined by Commissioner G. R. Breckinridge, testified as follows:

Q Give me your full name? A Mathias Washam.

Q How old are you? A 60 years old.

Q What is your postoffice? A Pryor Creek, I.T.

Q What district do you live in? A Cooweescoowee.

Q Who is it you want to enroll; yourself and family? A Just myself.

Q Are you a Cherokee by blood? A No sir.

Q Let me see your marriage license and certificate? #

The applicant presents a license issued by the Clerk of Saline district dated Jan. 31, 1889, authorizing his marriage to Mrs. Martha E. Van. The certificate shows that they were married on the same date by the Clerk of the district.

Q Have you lived with your wife in the Cherokee Nation ever since you married her in 1889? A Until two weeks before the enrollment at Pryor Creek.

Q Did you separate from her then? A She left me.

Q Were you ever married previous to your marriage to your present wife? A Yes sir.

Q How many times were you married before? A Once.

Q Was your former wife dead when you married your present wife?

A Yes sir.

Q It seems that your present wife has been married before? A Yes, twice before.

Q Were both of her former husbands dead when you married her? A The last one was; the other was in a prison.

Q Did she ever get a divorce from her first husband? A I don't know.

Q What was the name of her first husband? A Meadows.

Q She never got any divorce from Meadows? A Not that I know of; he was off in the pen for 19 or 20 years. He was sentenced to be hung, but he is out now.

Q Do you know whether there was a divorce between them? A No sir, I don't know.

Q You don't know Meadows full name? A No sir.

Statement made by the applicant- My wife is at home now, and has been back for three weeks. She said she will be peaceful and will try and get along.

Q If your wife has come back and wants to recall her testimony, she will have to do it herself. A The boys here know that she couldn't get along with her first husband.

1880 roll; page 194, #3101, Martha Van, Cooweescoowee.

1896 roll; page 278, #3080, Martha E. Washam, Cooweescoowee.

1896 roll; page 330, #1101, Mathias Washam, Cooweescoowee.

Q Was your wife's first husband a Cherokee or white man? A A white man.

Commissioner-

The applicant is shown to have married his wife in accordance with Cherokee law in 1889. He is identified on the roll of 1896. He is a white man. He states that he has lived in the Cherokee Nation ever since his marriage, and that he has lived with his wife with the exception of a separation which took place several weeks ago. Her testimony, Card No. 2770, is referred to in this connection. The applicant claims that he and his wife have become reconciled since her application Sept. 14th, of this year, and that they are living together at this time. She is identified on the rolls of 1880 and 1896. She has been married twice previously. According to the applicant's testimony, her second husband was dead when he married her, but her first husband was and is still living, and there is no evidence that any divorce was ever obtained between that husband and the applicant's wife. For the further consideration of the relations between the applicant and his wife, and to await

2- N.V.

official evidence of a divorce of his wife from her first husband, his application will be placed upon a doubtful card; he being listed as a Cherokee by intermarriage.

E. G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

E. G. Rothenberger

Subscribed and sworn to before me this 22nd day of October, 1900.

J. B. L. R.

Commissioner.

W 657

DEPARTMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 23 1908



Acting Chairman

SUPPLEMENTAL TESTIMONY.

D. #657.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., MARCH 19th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of MATHIAS WASHAM as a citizen of the Cherokee Nation.

MARTHA WASHAM being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Kartha Washam.
- Q How old are you, Mrs. Washam? A 50, will be in August.
- Q What is your post office? A Pryor Creek.
- Q Are you a citizen of the Cherokee Nation? A I claim to be such.
- Q Are you the wife of Mathias Washam? A Yes, sir.
- Q Now do you desire to make any statement in regard to the testimony that you gave on the 14th of September, at Pryor Creek, in regard to the separation from your husband? A Well at that time we were separated and I made that statement.
- Q How long were you separated? A I guess it must have been about two months.
- Q Well are you living together now? A We are.
- Q How long have you been living together? A I think it has been about, since before, about the last day of September, perhaps in October some time.
- Q When were you married to Mr. Washam? A 13 years I think last January.
- Q Was that the first separation, the one you speak of now? A No, sir, it was not the first one.
- Q Well how many times did you separate? A Once before that, the summer before that.
- Q You were married twice before you married Mr. Washam? A Yes, sir.
- Q Is your first husband living? A Yes, sir.
- Q Were you ever divorced from him? A I consider that I was divorced from him.
- Q Just state the reasons now and all about it? A The law took him from me and convicted him for murder and put him in the house of Correction for life time and I supposed that that gave me the divorce, and I went to see Judge Hayes, he was counted one of our best men, I lived close to him and I asked him about this and he says according to our rules you are a free woman and I considered that I was; I wanted to live right and I thought I was a free woman.
- Q And then you married? A I married Mr. Vann.
- Q Did you live with him until his death? A Yes, sir.
- Q And afterwards married Mr. Washam? A Yes, sir.
- Q Are you living with Mr. Washam now? A Yes, sir.
- Q Are you and Mr. Washam living together peaceable now? A Yes, sir.

Applicant: When he was taken from me and condemned for life I felt like I was a free woman and I aimed to live honest and tried to live honest and I lived true to him as long as I could.

Q Do you think that you and Mr. Washam will live together in the future? A Well as long as he gives me the good treatment he has this last time, I suppose we will; I wont stand bad treatment from any one and I don't think I will have to.

Q Your first separation was for about three weeks? A I think so.

Q And your last separation for about five weeks? A Yes, sir.

Supl. D. #527. - 2.

J.O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J.O. Rossen

Subscribed and sworn to before me this 19th day of March, 1901.

[Signature]

Commissioner.

N. 637.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 25 1901

[Signature]
ACTING CHAIRMAN

Supl.-C.D.#657.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 5, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
MATHIAS WASHAM as a citizen of the Cherokee Nation, introduced on
part of applicant and also on part of the Cherokee Nation:

The applicant was notified by registered letter February 15, 1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices at Muskogee, Indian Territory, on the 6th day of March, 1902. Receipt has been acknowledged of the Commission's letter. Applicant this day appears in person and by his Attorney, J. M. LaHay, Claremore, Indian Territory. Mr. Hastings, Cherokee Representative, present.

MARTHA WASHAM, being duly sworn, testified as follows on
part of the Cherokee Nation:

MR. HASTINGS:

- Q What is your name? A Martha Washam.
Q What is your post office? A Pryor Creek.
Q How old are you? A I was born in the year '51, I am 50 years old.
Q Do you know the applicant in this case, Mathias Washam?
A I think I ought to.
Q You were married to him in 1889? A I disremember the date.
Q Well, about that time? A Yes, sir.
Q Are you living together now? A No, sir.
Q When did you separate? A I went away from his house the 21 of September.
Q What was the cause of your separation? A To the best of my knowledge, well he was bringing a family in the house I didn't want to live with and I went away.
Q The house you were living in? A Yes, sir.
Q Was he going to bring in another family there to live?
A Yes, sir, he was and he did.
Q Did you protest against it? A Yes, sir.
Q Did he insist in bringing them in? A He brought them in.
Q Did you tell him you could not live in the house with the other family? A I did; he didn't bring them in while I was in the house; I didn't wait for them, I went out a few days before.
Q Did he say he was going to bring them in? A He did.
Q And you haven't been living with him since? A No, sir.
Q You had separated before? A Yes, sir.
Q What was the cause of that separation? A There was several causes.
Q Well, now, this last time you separated; had he told you he was going to bring that family there any way? A Yes, sir; he had.
Q And you tried to persuade him not to? A I had.
~~Q What are the other family consist of?~~
A A man and wife and two children.
Q Had you known the family? A Yes, sir.
Q You considered them disagreeable so you could not get along with them? A I didn't aim to try to get along with them.
Q So you picked up and left? A I did.
Q And he stayed there? A He stayed there.
Q Were you acquainted with this family before he told you he was going to move them in? A Yes, sir.

MR. LARAY:

- Q What was the objection to the family? A I didn't have any use for them at all, that is just all the objection I am going to raise; I didn't consider them good enough for me to live with.
- Q Had they ever lived on on your place before that? A They have.
- Q That is the only cause you left Mr. Washam, because these other folks were coming there? A That was the principal cause.
- Q What was the other cause? A I had several.
- Q Well, state them? A That is a very painful subject to me, but if I have to tell you, I can tell you this; he told me more than once that if I didn't withdraw the statement I made before the Commission at Pryor Creek he would not feed and clothe me.
- Q Did you withdraw the statement? A I did not.
- Q Did he feed and clothe you? A Yes, sir, up to the time I left. I didn't tell him I would withdraw the statement, go down before the Honorable Dawes Commission and withdraw the statement.
- Q You didn't withdraw the statement? A No, sir.
- Q But he feed you as long as you stayed at home? A Yes, sir.
- Q What part of the statement did he want you to take back?
- A I had made a statement that he had drove me away from home before.
- Q Is that a fact? A That was a fact.
- Q Once before? A Once before.
- Q Well, did he drive you away the first time like he did the last?
- A No, sir.
- Q Were you ever married to a man by the name of Vann? A I was.
- Q You and he lived together as husband and wife? A Yes, sir.
- Q You were married were you? A Yes, sir.
- Q Is Vann living or dead? A He is dead.
- Q Did you and Vann have any trouble? A Sometimes.
- Q Did you ever separate from him? A Yes, sir.
- Q Who left you or Vann? A He left.
- Q Did you ever leave him? A I don't think I ever did.
- Q Well, did you ever leave him? A Yes, I left him.
- Q Left Vann and you left Washam? A Yes.
- Q Well, Washam provided for you as long as you stayed with him?
- A Yes, sir.
- Q Who lived in this house before this family? A Chandler.
- Q They lived there in the same house you and Mr. Washam lived in?
- A They lived there while we were living there.
- Q Did you have any part of the house reserved for you and Mr. Washam? A We had one room.
- Q And this family that was going to come there and you left a few days before they come there was this room still reserved? A I left him there.
- Q You wasn't put out of this room? A I don't know I-
- Q When was you put out? A When I put myself out.
- Q When you left yourself? A Yes, sir.

MATHIAS WASHAM, being duly sworn, testified as follows in his own behalf:

MR. LARAY:

- Q State your name and age. A Mathias Washam.
- Q How old are you? A I am 61 years old past.
- ~~Q How long have you lived in the Cherokee Nation, Mr. Washam?~~
- Q How long have you lived in the Cherokee Nation, Mr. Washam?
- A 20 years.
- Q You heard the statement made by Mrs. Washam here in regard to her leaving your place; I want you would state where place you were on and under what circumstances you were occupying this place?
- A Well, it, it is Mr. Hogan's farm, and I would like to state the conditions and how this came. These convicts that had got away from Leavenworth had taken two of my horses and I had given \$150 reward for them and when I got them it cost me over \$300 and I didn't have money and some of it to get out of it.

and I had reserved one room for the use of the family and it was as good a house as she ever lived in; that is the reason why I did what I did and she left before they came there, and I told her she could go to any place and live with me; I had to tend to my cattle.

COMMISSION:

Q Who were these people? A R. Smith, my son's child, she is. she went to her sister's children, one of them, and she said she had to go and wait on her, she was about to be confined. It was a good farm, and I didn't want to give it up.

Q Did you rent the farm to this man Mr. Smith? A I told him if we could make satisfactory arrangements with Mr. Hogan he could have the place, that he was a good worker and he could have the place, that I wanted to reserve one room that we had always had, I had stock on the place and I didn't want to go, all the fodder and all that I had was on the place, but in the Spring I could leave.

MR. HASTINGS:

Q Well, you did rent to this family and sent for them to come in the house there through her protest? A Well, she said she would not live in the house with them.

Q And you insisted on them coming? A I told him if he could make satisfactory arrangements with Mr. Hogan to come there.

Q And disagreeable to your wife and you knew it? A Yes, sir, but I had to rent to the best of the advantage ~~the~~ and kept a good room for her to stay there.

Q Although you knew that your wife would leave there if they come in, you would prefer to have them come in? A I told her that I didn't blame her; that I would leave there if she didn't want to stay with them; would go to New Mexico or to the coast or anywhere else, would be glad to do it.

COMMISSION:

Q Is there any other statement you desire to make? A No, sir; I had to give it all up or keep it with that one room.

MR. LAHAY:

Q Whose place was it? A Mr. John C. Hogan.

Q How come you in possession of it? A I had made a place, I made the place, I got behind with him; me and her made a bill of sale to John Warner and John Warner made a bill of sale with John Hogan.

Q The reason then, Mr. Washam, this family came in there if I understand it, you weren't able to farm and cultivate this place, and Mr. Hogan wanted it cultivated and this man come in so it could be cultivated and you reserved one room? A Yes, sir, I had no means to cultivate it with.

Q Did you live there in the house previous to that with any other family? A Yes, sir; I boarded her the last year, she had nothing to do ~~and I knew~~ but to take care of her home, boarded her; had a family in there the year before.

Q You provided for your wife? A Yes, sir.

Q All the necessities of life? A Nothing to do but tell me what she wanted and I went and got it; whether I had the money or not.

COMMISSION:

Q This separation you speak of took place subsequent to the application you made to the Commission at Claremore? A Yes, sir; this here was in December sometime, past December; I didn't know she had left me, this is the first I knowed of any/ I didn't know we was separated until I got that notice. I wasn't at home when she left there, I wasn't at home when she left and she hired the other parties there to take her but she went to George Watie's and she went to wait on George's wife.

Q You were living together when this application was made?

A Yes, sir.

Q How long did you continue to live together? A Until December past; this party never moved in the house until about ten or 12 days after she left.

Q Where were you at the time they moved in; you say you didn't know that she left you? A The party moved in?

Q Yes? A I was there, they didn't move in there then.

Q She left after they moved in? A No, sir, I had a family before and rented the place; there was a five room house and the family that was there farmed the farm, I boarded with these people, and she didn't have nothing to do but to give me a kind word when I came in, and I was glad to do that.

Q You stated that you didn't know she had left you until you received the notice? A Yes, sir.

Q What notice was it, notice from the Nation? A Yes, sir, I didn't know she left the place.

Q What did she do? A I wasn't there, I was away when she left there. She didn't leave any note or any word for me.

MR. HASTINGS:

Q How far did she go from there? A About three miles.

Q Do you mean to say now that she has been living three miles from you and you didn't know she had separated from you? A Didn't know it until I got that notice.

Q You didn't get it until a few days ago? A No, sir.

Q She has been gone more than two months? A Yes, sir.

Q Did you expect her to come back? A I didn't think she would to that place, but I thought she would to any other place.

Q Did you see her at any time during that separation? A I saw her at town and at church; she goes off and stays two or three weeks, she did last summer when I didn't have nothing to do. I told her I would like to know where she was; I kept a good fat animal for her to ride and last year I bought a buggy for her to go in and have got it there yet.

MR. LAHAY:

Q She is in the habit of going whenever she want to? A Yes, sir, and sometimes she would get up in the night; somebody would come there and she would get up and go, sometimes neighbors would come in there, somebody was about to be confined.

Q Did she have any habit of tending around on the neighbor women when they were confined? A Yes, sir; she is good in sickness, she is worth her weight in gold.

Q She made a practice of doing that business? A Yes, sir; she went off whenever she was called upon when she was able and when she was not able; stay away from home ~~xxxxxxx~~ until she got ready to come back.

COMMISSION:

Q During these two months, did you ~~xxxx~~ ever at any time make any endeavor to induce her to come back? A No, sir.

Q During the conversation you had with her during that time did you ask her to come back? A No, sir, she would not live in the house with them people; I had to stay there and kept that room or give up the home. She went when she got ready and come back when she got ready.

Commission of Mr. Lahay: Do you in behalf of the applicant submit the case? A Yes, sir.

Commission: The attorney for the applicant and the representative of the Cherokee Nation submit the case and the same is ordered closed and reported to the Commission for a final decision based upon the evidence now of record.

-3-

The attorney for the defendant requests and will be granted 20 days in which to file a brief, one copy with the representative of the Cherokee Nation and one copy with the Commission.

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I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case on this day, and that the foregoing is a true and correct transcript of my stenographic notes thereof.

J. J. Ross
Stenographer.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mathias Washam for his enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

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The record in this case shows that on October 22, 1900, Mathias Washam appeared before the Commission at Claremore, Indian Territory, and then and there made application for his enrollment as a citizen by intermarriage of the Cherokee Nation.

On March 19, 1901, Martha Washam, the wife of the applicant, appeared before the Commission at Muskogee, Indian Territory, and gave further testimony herein. On March 6, 1902, the applicant and his wife again appeared before the Commission at Muskogee, and further proceedings were had relative to this application.

The evidence shows that Mathias Washam was married under a Cherokee marriage license on January 31, 1889 to Martha E. Van, a citizen by blood of the Cherokee Nation. He is identified on the Cherokee Census roll of 1896. It appears that Martha E. Van, was formerly married to a man by the name of Meadows who was living at the date of her alleged marriage to Washam. It appears that her husband Meadows was sentenced to the penitentiary for life and that he and his wife Martha were never legally divorced.

Section 495, "Laws of the Cherokee Nation" (1892), provides:

"A divorce from the bonds of matrimony may be adjudged for either of the following causes, viz; for adultery, for imprisonment for three years or more; for wilful desertion and neglect for the term of one year next preceding the filing of the complaint or petition, for extreme cruelty, whether by violence or other means, and for habitual drunkenness for one year immediately preceding the filing of the complaint or petition."

There is no evidence that under Cherokee laws, a sentence of imprisonment for life and confinement under it, operates as a

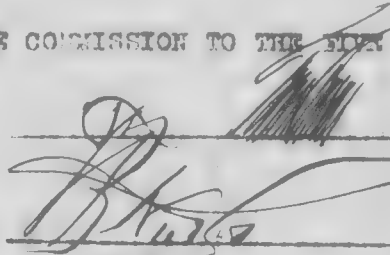
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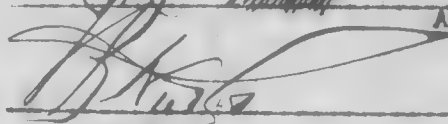
dissolution of the marriage relation, without legal process. It therefore appears that Mathias Washem acquired no rights of Cherokee citizenship by his alleged marriage to Martha R. Van.


In making rolls of citizenship of the Cherokee Nation this Commission is directed by the Act of Congress approved June 28, 1898, (30 Stats., 495) to enroll "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

It is therefore the opinion of the Commission that Mathias Washem is not lawfully entitled to be enrolled as a member by intermarriage of the Cherokee Tribe of Indians in Indian Territory, and that his application for enrollment as such should be denied, and it is so ordered.

THE COMMISSION TO THE CHIEF CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

this _____, 1902

ATTORNEYS

L. B. BELL

W. W. HASTINGS

J. B. DAVENPORT

J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. C. B. 657.

Washington, D. C., Feb. 23, 1902.

Mr. K. L. Hale,

PrYor Cr , D. C.

Dear Sir:

I closed this matter, when I came serve on Katiashx
Kathias Kasha if delivered to the copy of the same, and
swear to our return of the same before a lot of public
and rat it to us as early as possible.

Yours truly,

ATTORNEYS

L. H. BELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

OFFICE OF...

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. C. D. 657.

Muskogee, I. T., Feb. 28, 1902.

Mrs. Martha Graham,

Dr. J. C. Starr, I. T.

Dear Madam:

Enclosed herewith please find a subpoena for Your attendance before the Census Commission as a witness on the 6th day of March, 1902. Kindly accept service of the subpoena by signing Your name in the blank printed in red ink at the bottom of the subpoena and return the same to us by return mail; and also advise us if You will appear promptly on the date named.

Yours truly,

CR

COMMISSIONERS.
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BHECKINRIED.
ALLISON L. AYERSWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 657.

Muskogee, Indian Territory, July 29, 1902.

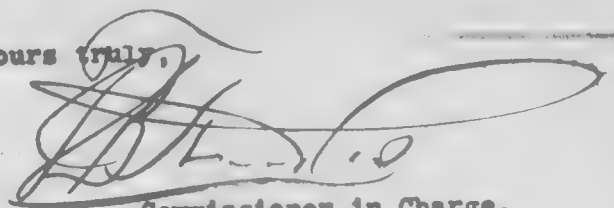
W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Mathias Washam for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Commissioner in Charge.

Enc. C. No. 90.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIRBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 657.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 17, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Mathias Washam for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,

Acting Chairman.

Matthews, William

- A. Original testimony. Oct 22-1900
- B. Memo. of application. Oct 22-1900
- C. Marriage license & certificate
- D. Receipt for testimony
- E. ~~Supplementary testimony, Mar. 1/1901~~
- F. Notice of final consideration, 3/6/02
- G. Proof of service of notice 3/6/02
- H. Supplemental testimony and order closing case. March 16, 1902

Decision

Transferred to R-688

Cher D 658

Cher D 658

Department of the Interior.
Commission to the Five Civilized Tribes.
Oklahoma, I. T. October, 22, 1900.

In the matter of the application of Mattie Jackson for enrollment as a Cherokee citizen; she being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:

- Q Give me your full name? A Mattie Jackson.
Q How old are you? A 31.
Q What is your postoffice? A Pryor Creek, I.T.
Q In what district do you live; Coowascootus district? A Yes sir, on Mud Creek.
Q Who is it you want to have put on the roll? A Myself.
Q Are you a Cherokee by blood? A No sir, by marriage.
Q To whom were you married? A (No answer.)
Q Let me see your certificate?
The applicant presents an illuminated certificate showing that she was married to Andrew Jackson on the 2nd day of July, 1884, by O. H. Miller. It is not stated in the document whether Mr. Miller was a minister, or in what official capacity he acted. The document is returned to the applicant.
Q Was your husband a Cherokee by blood? A Yes sir.
Q Is your husband dead? A No sir, he's living.
Q You are divorced from him are you? A Yes sir.
Q Have you a copy of the decree of divorce? A No sir.
Q When were you divorced from him? A I was in California when he got the divorce.
Q He got the divorce? A Yes, he got the divorce and married again.
Q Are you on any of the rolls of the Cherokee Nation? A (No answer.)
Q Are you on the roll of 1898? A Yes sir, and one child.
Q How long have you lived in the Cherokee Nation? A Ever since I was about ten ~~years~~ years old.
Q Have you lived here all the time? A Yes sir, ever since I was about ten years old.
Q How long were you in California at the time your husband got his divorce? A One year.
Q Simply on a visit? A Yes, I went there for my health.
Q When did you come back from California? A In the year '93.
Q Have you been here ever since '93? A No, I went away. I have been in Missouri.
Q When did you come back here the last time? A I came back in '94 from California.
Q And then what did you do after you got back here in '94; been here ever since you came in '94? A I went away again. I went to Missouri.
Q When did you go to Missouri? A In the year of 1896.
Q How long did you stay there? A About twelve months and then went back home again.
Q And then came back here? A Yes sir.
Q Been here ever since that time? A No, in '97 I went to Kansas City.
Q How long did you stay there? A About eleven months in Kansas City.
Q Then came back home? A Yes, back to my home again.
Q How long did you stay there? A I only staid there long enough to do my business. I staid about six months at home.
Q Where did you go? A I went to Mexico.
Q How long did you stay there? A One year, come home in August.
Q You staid there until this last August? A I come home in August; it will be a year. I have never had a home here, but went away for my health.
Q When were you divorced from your husband? A In '93.
Q Where was he when he got the divorce? A In California.

2- M. J.

Commissioner-

The applicant is shown to have been married to her husband in 1884. She states that she was divorced from him in 1885, and that the decree of divorce was granted to her husband. She is not identified on any roll, and from the evidence she does not seem to have made her residence in the Cherokee Nation as required by law. Her certificate of marriage is defective, in there not being any evidence that the party performing the ceremony was lawfully qualified for the act. For the further consideration of any rights that the applicant may have arising from her marriage, her application will be placed upon a doubtful card, though it is not seen at this time that she has lived in the Cherokee Nation as required by law, and it also appears that she lost whatever rights she may have possessed by the divorce granted to her husband.

E. G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

E. G. Rothenberger

Subscribed and sworn to before me this 22nd day of October, 1900.

[Signature]
Commissioner.

2638

65 46

DEPARTMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 22 1900

[Handwritten signature]

ACTING COMMISSIONER

"R"

Cherokee B 365

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 5, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Jacob Guthrie for the enrollment of himself, wife and children as Cherokee citizens.

Appearance:

V. W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 23, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up by the Commission at its office in Muskogee, Indian Territory for final consideration on the 5th day of March, 1902, and that he could on said date appear before the Commission either in person or by attorney and an opportunity would be given him to introduce any additional testimony affecting his application. He was further notified to supply the Commission with a certificate of his marriage to his present wife, Dora.

Receipt ~~has been~~ acknowledged of the Commission's letter, and the applicant having been called three times, and failing to respond either in person or by attorney it is directed that the case be closed and that same be reported to the Commission for final decision, based upon the evidence now of record.

M. D. Green, he hereby certifies that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 6, 1902.

SUPPLEMENTAL in the matter of the enrollment of MATTIE JACKSON
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 15, 1902, that her application for the enrollment of herself as a citizen of the Cherokee nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902, and that on said day she might appear before the Commission either in person or by attorney when an opportunity would be given her to introduce any additional testimony affecting her application. She was further notified that the representatives of the Cherokee Nation would also on said date be afforded an opportunity to introduce testimony tending to disprove her right to enrollment, but that said representatives would be required to notify the applicant of their intention to introduce such testimony before the same would be received.

The Cherokee Nation makes satisfactory proof of service of notice on the said applicant that it would by its representatives at the office of the Commission in Muskogee, Indian Territory, on the 6th day of March, 1902, introduce testimony tending to disprove her right to enrollment as a citizen of the Cherokee Nation.

The Applicant has this day been called three times and in view of the fact that she fails to respond either in person or by attorney, it is directed that the testimony introduced by the Cherokee Nation be received.

Mr. W. W. Hastings, Cherokee Representative: The Cherokee Nation offers in evidence a certified copy of the complaint and judgment of divorce between Andrew Jackson and the applicant Martha Jackson, by the Circuit Court, Cooweescoowee District, on September 12, 1892, and call attention to the fact that one of the grounds alleged in the complaint for the divorce was desertion.

The representative also desires to call attention to the present residence of the defendant as shown by the affidavit of proof of service of notice, the same being in Denver, Colorado.

Commission: It is directed that the case be closed, and that the same be reported to the Commission for final decision based upon the evidence now of record.

---0000 0000---

K. J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this March 10, 1902.


Commissioner.

2658
MAY - 20 1900
Cherokee D 658.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mattie Jackson for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 22, 1900, Mattie Jackson appeared before the Commission at Claremore, Indian Territory, and made application for enrollment as a citizen by intermarriage of the Cherokee Nation.

The evidence shows that the said Mattie Jackson was lawfully married on July 2, 1884, to Charles Jackson, a citizen by blood of the Cherokee Nation, and from whom she appears to have been divorced on the ground of her desertion of said husband on September 12, 1892.

Section 21, of the Act of Congress approved June 28, 1898, (30 Stats., 495), provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 667, Compiled Laws of the Cherokee Nation (1892) provides: "Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

The evidence further shows that the said Mattie Jackson has not been a resident of the Cherokee Nation or the Indian Territory since 1892.

Paragraph 9 of the Act of Congress aforesaid provides:


"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of Mattie Jackson as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

Dated at Muskogee, Indian Territory,

this _____

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 15, 1902.

Mrs. Mattie Jackson,

Pryor Creek, Indian Territory,

Madam:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the sixth day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with certified copy of your decree of divorce.

CherokeeD-658
Register.

Very truly,


Allison L. Ayersworth

Commissioner in Charge.

ATTORNEYS:
L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

OFFICE OF
ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

J. C. STARR, SEC.

Please refer this letter with your application to the Number # 650.

Muskogee, I/ T. Feb. 13, 1900.

Mr. Andrew Jackson,
Wagoner,

I. T.

Dear Sir:-

Your former wife, Martha Jackson, who gives her name as Lattie Jackson, has applied to the Dawes Commission for enrollment as a citizen of the Cherokee Nation by inter-marriage. She states that her home is at Prior Creek, I. T. She stated in her testimony that she went to California on a visit for her health, and that while she was gone you brought suit for, and obtained a divorce. Will you please advise us where she has lived, and if she has a home at Prior Creek, and how long she has lived there, and any fact that you may know that would affect her right to enrollment as a citizen of the Cherokee Nation by inter-marriage? Your prompt attention to this matter will be greatly appreciated.

Yours very truly,

ATTORNEYS
L. B. BELL
W. W. HASTINGS
JAMES N. DAVENPORT

OFFICE OF
ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAVEN COMMISSION, CHEROKEE FREEDMEN ENROLLMENT

J. C. STARR, SEC.

658.
Muskogee, I. T. Feb. 18th, 1902.

Mr. W. B. Alberty,
Talequah,
I. T.

Dear Sir:-

Please examine the record of the Circuit Court of
Cooweescoowee District, and send us a certified copy of the decree
of divorce granted in the case of Andrew Jackson vs. Martha Jackson.
This decree of divorce was granted Sept. 12, 1892., while H. H. Trott
was clerk of Cooweescoowee District.

Yours very truly,

J. C. Starr

*I copy the citation in above case, send
only show what is copied. B.W.A.*

A Complete Stock

J. Z. HOGAN...

DEALER IN

**General
Merchandise.**

DRY GOODS.

GENT'S FURNISHING

GOODS

PURE AND

FRESH GROCERIES

BOOTS AND SHOES

A SPECIALTY

Pryor Creek, Ind. Terr.

1902.

J. B. Stan Esq
Muskegon
Ind.

Dear Sir

Replying to yours of the 18th inst. will say that Maria Jackson has not lived here for several years she has visited the State 2 or 3 times. The last time being about 2 years ago. I think that she was living in Old Mexico at that time I do not know where she is now she was in Colo. last time I had any news of her Mrs M. Washam of this State could give you all the evidence you want regarding her. Any further information desired will be glad to furnish same

Respy
J. Z. Hogan

P.S.

She has no property here that I know of.

Address Mrs M. Washam
Pryor Creek Ind.

ATTORNEYS:

L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number F. O.

C. D. 653.

Muskogee, I. T. Feb. 20, 1902.

Mrs. M. Washam,

PrYor Creek, I. T.

Dear Madam:

Please advise us if Mattie Jackson owns any property around PrYor Creek, and also where she has been living for the last three Years. This woman claims to have property in PrYor Creek and claims PrYor Creek as her home, and we want to know where she is now, and where she has been for the past three or four Years, and whether she has ever actually had her home at PrYor Creek. Also please give us the present post-office address of Mattie Jackson.

Yours truly,

ATTORNEYS

L. H. BELT

W. W. HASTINGS

JAMES H. DAVENPORT

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

J. C. STARR, REC.

Case No. 658

Muskogee, I. T. Feb. 20, 1902.

Mr. Zollie Hogan,

Prior Creek,

I. T.

Dear Sir:-

I am in receipt of your letter of the 18th inst. Relative to the residence of Mattie Jackson, and desire to thank you for the information you gave us. This case is set for final hearing March 6, 1902. I enclose a subpoena for your attendance before the Dawes Commission in Muskogee on that date. Kindly accept service, and come down, and give testimony as to the residence of Mattie Jackson. In the meantime I wish you would make inquiry, and find out if she owns any property at that place. Please advise if you will be here on March 6th, so we can close the case on that date. Enclosed herewith find returned two bills, which you sent us perhaps by mistake. Thanking you for the prompt attention you have given the Mattie Jackson matter,

Yours very truly,

ATTORNEYS:

L. B. BELL,

W. W. HASTINGS,

JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF _____

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number F. D. C. D. 653.

Muskogee, I. T., Feb. 20, 1902.

Mr. Wat Hayes,

Pryor Creek, I. T.

Dear Sir:

Kindly advise us what You know as to the residence of Mattie Jackson, who claims to have a home at Pryor Creek. We understand she has never lived or located there permanently and if that is true kindly give us the names of one or two good witnesses who would testify as to her residence, or that she has never had her residence at Pryor Creek. Also who would know something about the fact that she abandoned her husband, who was Andrew Jackson, a son of Capt. William Jackson, of Muskogee, I. T.

Yours truly,

Bryer Creek I T

Feb 20th

Mr J. C. Starn

I am sorry your
need in regard to what I know
about and to the whereabouts
of Mattie Jackson, I remember
when she lived with Jackson
she is a daughter of Mrs M
Washington of Bryer Creek. I
don't think she has ever lived
here since she left Jackson
and am satisfied she owns
no property here at all but if
you will summon Mrs. Matt
Washington her step mother
and Leonard Meaders they
can tell you all about her.

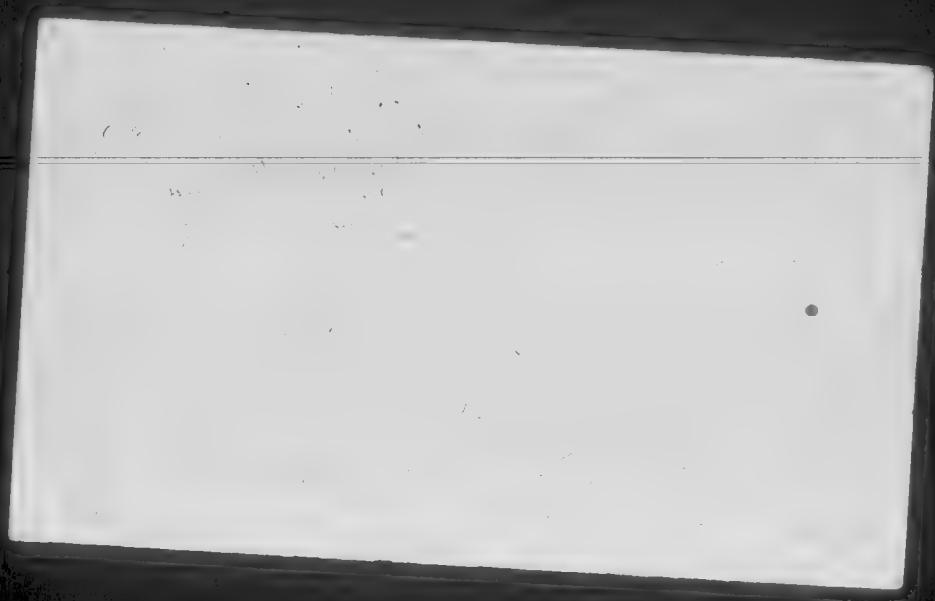
Mrs Jackson is a truly kind
Citizen of any Country and
You will get her Pedigree from
The two people I mentioned
Yours Very Respect

Wat Mayo

\$59.50

Mrs Jackson

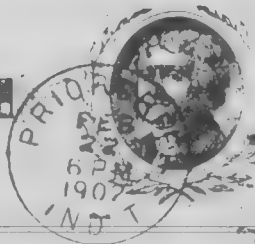
THIS IS DE 5 FOR THE ADDRESS ONLY.



POSTAL CARD - ONE CENT.

UNITED STATES OF AMERICA.

THIS SIDE IS FOR THE ADDRESSEE ONLY



J. C. Starr

Muskogee, I. T.

Pryor Creek St

2 - 22 - 1902

Mr J. C. Stan

Mattie Jacksons Address
is Denver Colo Box 121

Res Jacksons
J. C. Stan

NOTICE!

IN THE MATTER OF the application of Mattie Jackson
for enrollment as Cherokee citizens:
Case No. D 654
To Mattie Jackson, Denver, Colorado:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on March 6th, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Feb 24. 1902.

N. N. Hastings

Attorneys for the Cherokee Nation.

C. D. 658

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of A. D. 190....

Given under my hand this.....
day of A. D. 190....

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of, 190....

.....
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to
.....
on the day of A. D. 190....

.....
Subscribed and sworn to before me
this

.....
Notary Public.

Feb 26 - 1902

Amur Colaratti

Mr J. C. Starr
Muskegon MI

Dear Sir your letter recd to day
I will not be able to be present but
my Father ~~intercession~~ will look after my
Case the Commissioners have all my papers
concerning the Case so it would not
pay me to come as I could not say
any thing more I was lawfully married
to Andrew Jackson & have never received
any benefits as yet. Please be sure &
find out if he ^{Jackson} Andrew did get a
legal divorce as he claims I hear he
did from from the Chymore Courts or
dog Creek & if possible get copy of same
as I wish to have it & kindly let me no
after the Case is settled what was

done regarding it & if his getting a
legal license will throw me out for
good. Very Truly yours

Mr Walter Jackson

Box 10

Denver Colorado

Mich/3- 1902

Denver Colorado

Mr J. C. Stan
Dear Sir

Your letter recd as Mr W. H. Hastings
& to day and from from Mr Hastings
& one also from the Commissioner
also. Now I have written one letter to
Hastings & also one to my father. I
under stand he got his divorce from
the Court at Elmore but I have
no copy of them but have been trying
to for 3 or 4 months but so far have
failed to get them. Please find out
if he got his divorce. I mailed
Hastings letter to Muskogee I. I. if I
have to be there in person the case
will have to be put off as I can
not come now. & as far my treat-
ment he left me & never gave me
one cent & my father took after me
until after the death of my little girl
& then I went to work for my self

& have supported my self ever since
 he never had any Settlement with me
 neither have I received any thing
 from him & I was lawfully married &
 should be entitled to my rights & wish
 to you to look into my case & let me
 know if my Prospects are & if they are
 favorable to let me see my marriage
 papers are in the Hands of the
 Commissioners so I can see no more
 what I can do I feel I am entitled
 to my right as I was lawfully married
 & was deserted by my husband & have
 not received any benefits what ever if
 I have no care I can see no reason
 why for I claim I was & am yet
 am honorable & Instruct find letters
 from Commissioners get the release of my
 license if he ever received one from
 Chymore & I will pay for same. Yours
 Mattie Jackson Box 121 Green Colorado

J.

Dealer in

General Merchandise.

* * * * *

East Cherokee Street.

Wagoner, Ind. Ter., March 5, 1902

Friend Will

I received your letter and must say she has not lived three months in the Territory since I got my divorce. For when I sued her I had a copy of the citation left at her father's. He said she had left the country and father knew. I got a letter from her that she had bought her a home in Sedalia Mo.

That - is all I can tell you

P. S. Will said me a Blessing to make my last child

Yours
Andrew Jackson

CHP

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 658.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 22, 1902.

V. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

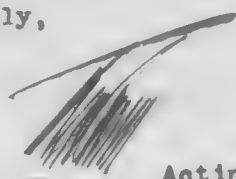
Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of Mattie Jackson for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Acting Chairman.

Enc. C. No. 20.

100

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. DRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee B 696.

FORWARDED ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 11, 1902.

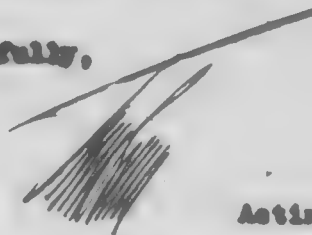
V. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting the application of Mattie Jackson for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 22, 1902.

Respectfully,



Acting Chairman.

ATTORNEYS:

L. B. BELL,

W. W. HASTINGS,

JAMES M. DAVENPORT.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAVES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

J. C. STARR, Sec.

Please return this letter with your reply or mention this Number: F. D.

C

Dear Sir:-

A woman by the name of Mattie Jackson has applied to the Commission for enrollment as a citizen of the Cherokee Nation, by inter-marriage. The records show, that she married Andrew Jackson, of Rogers, I. T., and that he obtained a divorce from her Sept., 11, 1892. Since that time she has been in California, Mexico, Missouri and Kansas on visits, and as she says for her health; she also says, that she has lived continuously at her home at Prior Creek. Since that time 1896. Please advise us as to what you know of this woman's residence at Prior Creek, how long she has actually lived there, if she owns any property there, and any fact that you can find out that would affect her right to enrollment as a citizen of the Cherokee Nation, by inter-marriage.

We would be glad to have you give us the names of the ones who could testify as to the actual time she has resided at Prior Creek. Please advise us also if she is living there now.

ATTORNEYS:

I. B. BELL.

W. W. HASTINGS.

JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number: F. O. 0

or if she has gone off on any visits. Please find out where she is
that we can make proof of that fact.

Yours very truly,

Mr. George W. Hayes,

Prior Creek,

I. T.

6546

divorce granted
in the case

of

Andrew Jackson

Martha Jackson
Creswell & Co

Sept 12/89

by default under

dec 133 at 15-

3 VP

4 VP 6-10

4 Hall Clerk

8-6546
Andrew Jackson et al

5-

After 30 days, return to

Mrs. Mattie Jackson

Box 121

DENVER, COLO.

SL

SEP 11 1891

1891

W. H. Hastings

Minneapolis Minn

After 10 days, return to

Box 121

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Q R

9658

McNamee

W. W. Hastings

Maskogee

Indian Territory

Armstrong
REGISTERED

Post Office.

2 / 20 - 2

J C Stans

Mrs Mattie Jackson
Payson Creek 21

AT Exts

Matter of [illegible]

- A. Original testimony Oct 22 1901
- B. Memo. of application Oct 22 1901
- C. Certificate of marriage
- D. Notice of final consideration 7/1/02
- E. Proof of service notice 3/6/02

I certify copy of record of
[illegible]
[illegible] testimony 7/1/02

John [illegible]

Cher D 651

Cher D 659

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I.T., October 22, 1900.

Card D. 652.

In the matter of the application for the enrollment of Ada Thurman as a Cherokee citizen.

Additional testimony.

Samuel W. Thurman, being sworn and examined by Commissioner Breakinridge, testified as follows:

Q Give me your name? A Samuel W. Thurman.

Q You appeared this morning I believe? A Yes, sir.

Q Are you the husband of Ada Thurman? A Yes, sir.

(The applicant presents a duly authenticated certificate of admission to Cherokee citizenship, issued by the Commission on Citizenship, dated August 14, 1899, showing that at that time Ada Brackett, age 11 years, was admitted to citizenship.)

Q That was the name of your wife at that time? A Yes, sir.

(This is recognized as official evidence of his wife's admission as stated.)

Q When did your wife come to the Cherokee Nation? A That was recorded in the year 1899, she has been here ever since; she was an orphan girl.

Q What was her father's name? A Bayless Brackett.

Q Has her father lived here ever since 1899? A No, her father died in Georgia and her guardian brought the children here.

Q When did he bring them? A In the year 1899.

Q You are sure he brought them here in the year 1899? A Nothing more than my wife told me, and what the paper shows.

Q Have you always understood that she came here at the time she was admitted? A Yes, sir, that has been my understanding.

Q And she lived here ever since? A Yes, sir, and went to school to the orphan asylum.

(This certificate is endorsed that the parties named herein enrolled in the Executive Department as required by the certificate May 14, 1899; signed by C. J. Harris, Assistant Executive Secretary.)

Q You say she has been here ever since she came the first time?

A Yes, sir.

This is satisfactory evidence of the applicant's wife having come to the Cherokee Nation within twelve months after she was admitted to citizenship as required by the certificate of admission, and this evidence will go with her case.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this 23rd of October, 1900.

Commissioner

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 22 1890



ACTING CHAIRMAN.

D 659

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.
Cherokee, I.T. October 22nd, 1896.

In the matter of the application of Samuel Washington Thurman for the enrollment of himself and wife as Cherokee citizens.

The said Samuel W. Thurman, being sworn and examined by Commissioner C. R. Brockinridge, testified as follows:

Q Give me your full name, please. A Samuel Washington Thurman

Q How old are you? A Twenty-eight.

Q What is your post office? A Peil.

Q Do you live in Cooweescoowee District? A Yes, sir.

Q Have you a family? A Yes, sir.

Q A wife? A Yes, sir.

Q How many children? A None.

Q You apply for yourself and wife? A Yes, sir.

Q Are you a Cherokee by blood? A No, sir.

Q Is your wife a Cherokee? A Yes, sir.

Q Let me see your license and marriage certificate.

THE COMMISSIONER: The applicant presents a license issued by the Clerk of Cooweescoowee District, dated September 3rd, 1896, authorizing marriage between himself and Ada Brackett. The certificate shows they were united in marriage by the Clerk on the same date as the license. This is filed herewith.

Q Have you lived in the Cherokee Nation ever since you married your wife in 1896? A Yes, sir.

Q And lived with her all the time? A Yes, sir.

Q You were never married before? A No, sir.

Q Your wife was never married before? A No, sir.

Q Your wife's present name then is Ada Thurman. How old is she?

A Well, I don't know exactly.

Q As near as you can come to it. A Somewhere about twenty-two or twenty-three, I don't know exactly.

Q How long has she lived in the Cherokee Nation? A All her life. A Well, no I think not.

Q--How long? A I think she was readmitted here in 1887.

Q Have you a copy of the certificate of admission? A The guardian of her has, and she told me she would be here this morning, and I come and get a ticket when I come and they called it early, and she has not come with the certificate yet.

Q Give me the name of her father. Bayless Brackett.

Q Is he living or dead? A He is dead.

Q Give me the name of her mother. A I can't do that.

Q Is she dead? A Yes, sir.

Q Has your wife lived in the Cherokee Nation ever since she was readmitted along in 1887 or 1888? A Yes, sir.

Q Was her father dead in 1886? A Yes, sir; he has been dead I guess fourteen years.

1896 Roll, page 266, No. 4736, Ada Thurman, Cooweescoowee District.

1896 Roll, page 327, No. 1034, Samuel W. Thurman, Cooweescoowee District.

THE COMMISSIONER: The applicant applies for the enrollment of himself and wife. He states that his wife was readmitted to Cherokee citizenship in 1887 or 1888, and that she has lived here ever since her admission. She is identified on the roll of 1896, and the marriage license and certificate filed herewith explains her change of name. To await official evidence of her admission to Cherokee citizenship she will at present be placed upon a doubtful card.

The applicant is identified on the roll of 1896. He is shown to have married his wife in September of the same year, and states that he has lived with his wife in the Cherokee Nation ever since their marriage. His marriage to her, however, is too late under the Cherokee law of 1896 to entitle him to enrollment at this time. Therefore the application for his enrollment is rejected.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 24th day of October A. D. 1900.

[Signature]
Commissioner.

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Supl.-C.D.#352.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 6, 1902

SUPPLEMENTAL in the matter of the enrollment of ADA THURMAN,
ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 15, 1902, that her application for the enrollment of herself and child as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902. The applicant this day, to-wit: the 6th day of March, 1902, appears by her Attorney, J. M. LaHay.

Mr. W. W. Hastings, Cherokee Representative, present.

Commission of Mr. LaHay: Is there any statement you desire to make relative to the case?

Mr. LaHay: I wish to submit the citizenship certificate in the Cherokee Nation that has been submitted in the case of D.842.

Commission: Do you want a copy of certificate? A It can be counted in this case.

The following entry appears upon the Cherokee Citizenship Record B, page 448:

"Bailis Brackett.

Office Commission on Citizenship,
Tahlequah, C.N., Oct. 5, 1897.

732.

age. Sex. Post office.

1 Bailis Brackett,	50	male	Carlisle.
2 Midge Brackett	16	male	
3 William Brackett,	14	male	Applicant for Cherokee citizen-
4 Ada Brackett,	11	female	ship. Readmitted Aug. 16th, 1899.
5 Augustus Brackett,	9	male	vs.
4 Frances Brackett,	7	female	Cherokee Nation.
5 Charles A. Brackett	4	male	Ancestor Brackett.

Office Commission on Citizenship.

Cherokee Nation, Ind. Ter.

Tahlequah, Aug. 16th, 1899.

The evidence shows that Bailis Brackett, the applicant named is now deceased but that he was a son of Midge Brackett and Cynthia Brackett, nee Cynthia Hubbard and grandson of Nellie Wilkerson from whom he derived his Cherokee blood and whose name is found on the Siler roll of Cherokees taken in 1852. The children of Bailis Brackett identified are Midge Brackett, age 16 yrs., Williams Brackett 14 years, Augustus Brackett, 11 years, and Ada Brackett (daughter) 11 years, and they are therefore adjudged by the Commission to be of Cherokee blood and entitled to Readmission to Citizenship in the Cherokee Nation. See evidence in case of Benj. J. Brackett, Docket 666 Book B. page 381.

Will P. Ross, Chairman.

R. Bunch, Com.

John E. Gunter, Com.

Attest:

D. S. Williams,
Asst. Clk. Com."

SAMUEL WASHINGTON THURMAN, being duly sworn, testified as follows on part of applicants:

MR. LAHAY:

- Q State your name. A Samuel Washington Thurman.
Q What is your wife's name? A Ada Thurman.
Q What was her name before you married her? A Ada Brackett.
Q Do you know how old your wife is at the present time?
A To the best of my knowledge she is 24 or 25. I don't know exactly.
Q Do you know the name of your wife's father? A Bailie Brackett.
Q And your wife's mother's name? A No, sir, I can't think of her name.
Q Your wife's oldest sister's name? A Frances E. Brackett.
Q What is her name now? A Vinard.
Q Has she any brothers or sisters? A She has a brother by the name of Midge Brackett, and Sallie Brackett and Gus Brackett and Charley Brackett.
MR. HASTINGS:
Q When did you marry her? A 1906.
Q How long before that did you know her before that?
A About six months.

Commission: The attorney for the applicant in behalf of the applicant and the attorney for the Cherokee Nation in behalf of the Cherokee Nation submit the case, and the same is ordered closed and referred to the Commission for a final decision based upon the evidence now of record.

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I, J. O. Resser, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Resser
Stenographer.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ada Thurman as a citizen by blood of the Cherokee Nation; and for the enrollment of her child Elizabeth Thurman.

DECISION.

--oOo--

The record in this case shows that on October 23, 1900, Samuel W. Thurman appeared before the Commission at Claremore, Indian Territory and then and there made application for his enrollment as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife Ada Thurman as a citizen by blood of the Cherokee Nation.

Upon the evidence then submitted Samuel W. Thurman was listed on Cherokee Roll card, Field No. R 306. On March 6, 1902, further proceedings were had relative to this application at Muskegee, Indian Territory.

The evidence shows that Ada Thurman, under the name of Ada Brackett, was admitted to citizenship in the Cherokee Nation on October 5, 1897. She has resided in the Cherokee Nation since 1889, and she is identified on the Cherokee Census roll of 1896. She was married on September 23, 1896, to Samuel W. Thurman.

From a birth affidavit filed with this Commission on June 19, 1901, it appears that a child, Elizabeth, has been born to Ada and Samuel W. Thurman, since the date of the original application and is now living.

The authority of the Commission herein is defined in Paragraph

-2-

1, Sec. 21, of the Act of Congress, June 26, 1906 (34 Stat., 498):

It is therefore the opinion of the Commission that Ada Thurman and her minor child, Elizabeth Thurman are lawfully entitled to be enrolled as members by blood of the Cherokee Tribe of Indians in Indian Territory, and that their application for enrollment as such should be granted, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this AUG 18 1902

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 659.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 18, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 18, 1902, granting the application of Samuel W. Thurman for the enrollment of his wife, Ada Thurman, and his child, Elizabeth Thurman, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,



Acting Chairman.

Enc. C. No. 14.

D 659

IN THE MATTER OF THE APPLICATION OF

Ed a. Thurman

FOR ENROLLMENT AS

CHEROKEE CITIZENS

FEB 18 1902

10 659

Adm. [illegible]

(1) Original testimony, Oct 22-1900

(R) Memo. of application, Oct 22-1900

(E) Additional testimony, Oct 22-1900

With cert of Elizabeth Thumma

(F) Notice of final consideration, 3/6/02

C

Cert of admission

Sup test & order closing test 3/4/02

See Cherokee Jacket R 306

Sept 23, 1901 [illegible] and
transferred to [illegible] 9619

Cher D 660

Cher D 660

Application of William M. Polson, to the Cherokee Nation, to be admitted to the Five Civilized Tribes.

Department of the Interior,
Bureau of Indian Affairs,
Washington, D. C., October, 22d, 1903.

In the matter of the application of William M. Polson for the enrollment of himself, wife and children on Cherokee roll. He being first duly sworn and filed before the Commission as follows:

- Q What is your name? A. William M. Polson.
Q What is your post office address? A. Oolagan, I. T.
Q What district do you live in? A. Goshute County.
Q Are you a bona fide citizen of the Cherokee Nation? A. Yes sir.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir, that is I am an adopted citizen.
Q Do you mean a citizen by inter-marriage? A. Yes sir.
Q For whom do you apply for enrollment? A. Myself, wife and family.
Q What is the name of your wife? A. Minnie.
Q What is your wife, a Cherokee? A. Yes sir.
Q What are the names of your children? A. Martin.
Q What is the name of the next one? A. Nattie.
Q How old is she? A. 8 months old.
Q Have you a certificate of your marriage to your wife? A. Yes sir.

Applicant presents a duly authenticated marriage certificate and license certifying that he was married to one Miss Minnie Looker a citizen of the Cherokee Nation on the 12th of March 1898.

Applicant also presents certificates as to the birth of his children Martin and Nattie whose names do not appear on the census roll of 1896, they being too young.

- Q What is your wife's father's name? A. William C. Looker.
Q Is he living? A. No sir.
Q What is her mother's name? A. Martha S. Looker.
Q Is she living? A. No sir.
Q How long have you lived in the Cherokee Nation? A. 8 years.
Q Was she your first wife? A. Yes sir.
Q Are you her first husband? A. Yes sir.
Q Is she alive and living with you now? A. Yes sir.
Q Has she always lived in the Cherokee Nation? A. Yes sir.
Q Is your wife named on the 1890 authenticated roll? A. I don't think it is.

- Q How old is your wife? A. 25.
Q Have you a certificate of her admission to citizenship by either the Cherokee Council or Commission?

- Q What is your wife's mother's name? A. Martha or Marguerite.

Applicant presents a certified copy of an act to re-admit to citizenship certain persons named in said act, and among others the name of Marguerite S. Looker appears. Said act being approved by Wm. P. Ross, Principal Chief of the Cherokee Nation on the 2nd of November 1872, and the correctness of the copy being certified to by Wm. R. Hayden, Asst. Executive Secy. of the Cherokee Nation on the 11th of April, 1893 under the great seal of the Cherokee Nation.

- Q Is the Marguerite S. Looker mentioned in this act the mother of your wife? A. Yes sir.

- Q Where did you marry your wife? A. Here in the Cherokee Nation.

- Q Where was your wife born? A. Fort Gibson.

- Q Do you recollect the date of her birth? No sir I don't.

See roll, page 516. Wm. Polson, Oolagan, I. T.
1896 233 2702 Nellie Polson

William M. Polson, 30

Q How long have you lived in the Cherokee Nation? A. 2 years.

Q How long has your wife lived here? A. All her life.

The name of William M. Polson appears on the census roll of 1898. He avers that he was married in 1884 to one Minnie Looker whom he avers to be a citizen of the Cherokee Nation by blood, and the name of Minnie Looker as Minnie Polson appears on the census roll of 1898.

Q He presents a certificate of birth as to his two children Martin and Minnie Polson, whose names are not on the census roll of 1898 they being too young to be on said roll. The applicant states that he was married in 1888 and he being a white man he married too late to acquire any of the rights of citizenship by reason of the fact that the Cherokee law had then been passed which prohibited non-citizens from acquiring rights by intermarriage. Therefore the application as to his own enrollment is refused.

He avers that his wife is a Cherokee citizen and presents a certified copy of an act of Cherokee Council admitting among others her mother Marguerite Looker to Cherokee citizenship in 1872, but her name is not on the authenticated roll of 1880, ~~consequently~~ consequently the final decision as to the enrollment of his wife and two children will be suspended and their names will be placed on a doubtful card.

Chas. von Seino being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes in said proceedings.

Chas. von Seino

Subscribed and sworn to before me this the 33rd of October, 1900.

[Signature]

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILE 12
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Case 11, 1890

[Handwritten signature]

Supl. C. N. #560.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 6, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
WILLIAM M. POLSON, ET AL., D. 660, and also ROBERT B. HARRIS, ET AL.,
D. 661, as citizens of the Cherokee Nation; Introduced on part of
the applicants.

William M. Polson was notified by registered letter February 15, 1902, that his application for the enrollment of his wife and children would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902. Receipt has been acknowledged of Commission's letter, and the said William M. Polson this day, to-wit: the 6th day of March, 1902, appears in person.

Robert B. Harris was notified by registered letter February 15, 1902, that his application for the enrollment of him, self, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902. Receipt has been acknowledged of Commission's letter, and the said Robert B. Harris this day appears in person.

Mr. W. W. Hastings, Cherokee Representative, present.

Commission: The following Act of the Cherokee National Council is offered in evidence and made a part of the record in the case of Robert B. Harris:

"An Act to readmit to citizenship the persons therein named. Be it enacted by the National Council that Margaret S. Locker, Martha Locker, R. M. Locker, L. D. Locker, and Nancy E. Beaty, Cherokees, be and they are hereby readmitted to the rights and privileges of Cherokee citizenship.

Tahlequah, C. N.
Nov. 22, 1872.

Approved

Will P. Ross,
Principal Chief.

I, W. H. Mayes, Asst. Ex. Secy. do hereby certify that the above is a true and correct copy of the law as appears on the records in this office.

W. H. Mayes,
Asst. Ex. Secy.

April 11th, 1903.
(REAL)"

ROBERT B. HARRIS, being duly sworn, testified as follows on part of applicants:

COMMISSION:

- Q What is your name? A Robert B. Harris.
Q How old are you? A 40.
Q What is your post office? A Oalagah, I. T.
Q You are an applicant before the Commission for the enrollment of yourself your wife and children as citizens of the Cherokee Nation? A Yes, sir.

WILLIAM M. POLSON, being duly sworn, testified as follows
on part of applicants:

COMMISSION:

- Q What is your name? A William M. Polson.
Q How old are you? A 32.
Q What is your post office address? A Oelagah.
Q Are you the husband of Nellie Polson and the father of her children who are applicants before the Commission for enrollment as citizens of the Cherokee Nation? A Yes, sir.

RICHARD M. LOCKER, being duly sworn, testified as follows
on part of the applicants:

BY ROBERT B. HARRIS:

- Q What is your name? A Richard M. Locker.
Q What year was Nellie Locker born; she don't appear on the readmission there of 1872, the rest of the family was readmitted?
A I don't remember just what year she was born; been, born '78, I think, best of my knowledge that is when she was born.
Q She was born after the rest of the family was readmitted?
A Yes.
Q And when did she come back? A Come back here in 1887.

MR. HASTINGS:

- Q Where was she born? A She was born there east of Gibson.
Q Fort Gibson? A Fort Gibson.
Q Tahlequah district? A Why I suppose it is; I don't know what district that is, but then that is my understanding.
Q Were you ever there? A Yes, sir.
Q How old was she when she was taken back to Texas, about when did they go back to Texas? A I don't know just when, but I think it was about '79 or '78, '9.

MR. POLSON: Did your mother die there, Margaret S. Locker die there? A Yes, sir.

- Q About what year did she die? A She died I guess '79.

WILLIAM M. POLSON, recalled, further testified:

MR. HASTINGS:

- Q What is your name? A William Martin Polson.
Q How long have you been acquainted with your wife? A Well, sir, I guess I have been acquainted with her about nine years.
Q Where did you marry? A Married at Oelagah.
Q You have been living there since that time? A Yes, sir.
Q You know that she is a sister of this man Locker?
A Yes, sir.
Q Sister of this man Harris' wife? A Yes, sir; that is my understanding.
Q You have only known her though for the past nine years?
A Yes, sir.
Q How long have you been married? A Been married six years 12th of March

Mr. Harris: When Nellie Polson's parents died, that is her father, I didn't know her mother, she died before I knew her mother; her father died in 1884, and I brought her to the country with me a little child, she was seven years old; I believe she was nine years old; I taken her and brought her to the country and put her in the Orphan Asylum up here, Orphan School and she stayed there until she became of age, and she has been here ever since.

Commission of William M. Polson

- Q Where were you married to your wife? A I was married in Texas first.

- Q What time was that? A That was in '83.
 Q Did you know her for any length of time prior to your marriage?
 A No, sir.
 Q How soon did you come back to the Cherokee Nation?
 A Come in 1887.
 Q Did you bring Nellie Polson with you at that time?
 A Yes, sir.
 Q Have you and she been living here ever since that time; that is you and your wife ~~Nellie Polson~~ ~~& Henry~~ and Nellie Polson?
 A Yes, sir; I was out for a year and a half or two years, but I left improvements here when I went away, didn't go away to stay.
 Q When was it you went away? A '88 or '9. I went away; '89, I suppose.
 Q Since your marriage to your wife under Cherokee law have you ever exercised the right of suffrage in any state or territory?
 A No, sir.
 Q Your wife was admitted to citizenship when? A '72.
 Q Where was she living at that time? A I don't know that, I suppose where about Fort Gibson though.
 Q She was living in Texas when you married her? A Yes, sir.
 Q You don't know how long she had been living there? A No, sir.
 Q Is there any statement you desire to make relative to your application? A No, sir, I believe not.

Commission of Mr. Polson:

- Q Do you desire to make any statement relative to the enrollment of your wife? A No, sir, Mr. Hastings there went to school with my wife, up until she was of age.
 Q Do you in behalf of your wife and children submit the case to the Commission for final consideration? A Yes, sir.

Commission to Mr. Harris:

- Q Do you in behalf of your wife and children submit the case to the Commission for final consideration? A Yes, sir.

Commission to Mr. Polson:

- Q It appears upon an examination of the testimony had when the original application was made that in answer to the question what was the name of your wife, you answered Minnie; was that answer correct, is your wife's correct name Minnie? A No, sir, it is Nellie.

Commission: It appears that when the applicant presented his original marriage license and certificate to the Commission at Claremore on the 22d day of October, the examining official stated "applicant presents a duly authenticated marriage license and certificate certifying that he was married to one Miss Minnie Locker, a citizen of the Cherokee Nation, on the 12th day of March, 1896" An examination of the license filed herewith shows that the applicant was married to Miss Nellie Locker, a citizen of the Cherokee Nation, on the 12th day of March, 1896.

Robert B. Harris in behalf of himself, wife and children and William M. Polson in behalf of his wife and children and the attorney for the Cherokee Nation in behalf of the Nation submit the cases to the Commission. The same are ordered closed and reported to the Commission for final decisions based upon the evidence now of record.

I hereby certify that as stenographer to the Commission to the
Five Civilized Tribes I correctly received the testimony and pro-
ceedings in this case, and that the foregoing is a true and cor-
rect transcript of my stenographic notes there.

J. H. Henson
Stenographer.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Nellie Polson and her children Martin, Mattie, Earl and
Pearl Polson as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 22, 1900, William M. Polson appeared before the Commission at Claremore, Indian Territory and then and there made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife Nellie Polson and his minor children, Martin and Mattie Polson as citizens by blood of the Cherokee Nation. William M. Polson was listed on Cherokee Roll card, Field No. R 308, and is therefore not embraced in this decision. On March 6, 1902, at Muskogee, Indian Territory, further proceedings were had relative to this application.

The evidence shows that Nellie Polson is the daughter of Margaret S. Locker, who was admitted to citizenship in the Cherokee Nation on November 23, 1872. Her daughter Nellie was born to her after the date of her admission. Nellie Polson has resided in the Cherokee Nation all her life and is identified on the Cherokee Census roll of 1896.

On March 12, 1896, she was married to William M. Polson, and the above named children are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

Since the date of the original application, it appears, from affidavits of birth on file with this Commission, that two other children, Earl and Pearl Polson have been born to said Nellie and William M. Polson.

The authority of the Commission herein is defined in Paragraph 1, Section 21, of the Act of Congress, June 28, 1898 (30 Stats., 495):

It is therefore the opinion of the Commission that Nellie Polson, Martin Polson, Mattie Polson, Earl Polson and Pearl Polson are lawfully entitled to be enrolled as members by blood of the Cherokee Tribe of Indians in Indian Territory, and that their application for enrollment as such should be granted, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this _____

COMMISSIONERS
HERRY L. DAWES.
TAMM BIRBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 660.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 26, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

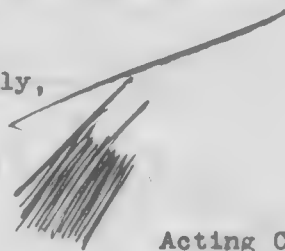
Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of William M. Polson for the enrollment of his wife, Nellie Polson, and his four minor children, Martin, Mattie, Earl and Pearl Polson, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. C. No. 46.

10
Nellie Polson.

A. Original testimony Oct 22-1900

B. Mem. of application Oct 22-1900

C. Marriage license

H. Certificate of marriage.

E. Affidavit of birth - Martin Polson

F. Affidavit of birth - Nellie Polson

Decision

G. Birth affidavit Earl Polson

H. Birth affidavit Paul Polson

I. Notice of final consideration, 3/6/02

See Cherokee Jacket 1862

J. Supplemental testimony and order
closing case, Ma Vol 6, 1905.

Cher D 661

Cher D 661

Doubtful

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I. T. October, 22d, 1896.

In the matter of the application of Robert B. Harris, for the enrollment of himself, wife and children as Cherokee Citizens. To be sworn testified before the Commission as follows-

- Q What is your name? A. Robert B. Harris.
Q What is your age? 28.
Q What is your post office address? A. Oolagah
Q What district do you live in? A. Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q By blood or intermarriage? A. Intermarriage.
Q For whom do you apply? A. Myself, wife and children.
Q What is the name of your wife? A. Martha L.
Q Have you a certificate of marriage to her? A. Yes sir.
A. Applicant presents a ~~modified~~ duly authenticated marriage license authorizing marriage between himself and Martha Harris, nee Locker in 1895, but presents no certificate of marriage.
Applicant also presents a certified copy of an act to re-admit to citizenship cert in persons named in said act, and among others the name of Marguerite S. Locker appears. Said act being approved by William P. Ross, Principal Chief on the 23d of November, 1873, and the correctness of the copy being certified to by Wm. H. Hayes Asst. Executive Sec. of the Cherokee Nation on the 11th of April, 1893 under the great seal of the Cherokee Nation.
Q Your wife's name before you married her was Martha Locker was it?
A. Yes sir.
Q What are the names of your children? A. Charles, age 17; Jonnie Anna, age 9; Robert P., age 7; Nellie M., age 3; William M. age 9 months.
Q Have you any proof of birth as to these two youngest children?
Yes sir.
Applicant presents satisfactory proof of birth as to the children Nellie M. and William M.
Q When were you married? A. August, 16th 1895.
Q Is the ~~name~~ Martha Locker named in this certified copy the identical person that you now make application for as your wife?
A. Yes sir.
Q I notice that your wife was admitted to citizenship in 1873 but her name does not appear on the authenticated roll of 1880, why is this? A. Her parents carried her off to Texas and they both died there.
Q Were they living here in 1873? A. Yes sir.
Q Where was your wife born? A. Cannot say.
Q You married her first in Texas? A. Yes sir.
Q When? A. In 1883.
Q When did you remove to the Cherokee Nation? A. In 1887.
Q And married according to the laws of the Cherokee Nation in 1895.
A. Yes sir.
Q What is the date of the birth of Charles, your oldest child? A. November, 27th 1882.
Q What was the birth of Jonnie Anna's birth? A. In 1890 some time.
Q When was Robert P. born? A. January 1893
Q Where was Charles born? A. In Texas.
Q Where was Jonnie Anna born? A. In Texas.
Q Where was Robert born? A. In this country.
Q You say your wife moved with you to the territory in 1887? A. Yes sir, but we went back again and lived awhile before we came here again.
Q When did you come here to permanently reside? A. In 1893.
Q Were you residing here permanently in 1896? A. Yes sir.

By Baugh, Cherokee Representative:

James the Cherokee Nation through its attorney and claims these persons removed to the State of Texas after their re-admission in 1873 and that applicant married his wife and lived then in the State of Texas until 1883 and that she was never re-admitted as the second section of Article 1 of the Constitution of the Cherokee

Robert B. Harris 2.

Nation provides.

By the Commission:

Q These children all living with you at this time? A. Yes, sir.
Have you and your wife lived continuously since 1893 in the Cherokee Nation? A. Yes, sir.

1890 roll, page 308, No 464, Robert P. Harris, one son.	
1890	183 6431 Charles H. Harris,
1890	183 2420 Martha L. Harris,
1890	183 2423 John A. Harris,
1890	183 2424 Robert P. Harris.

Robert P. Harris appears on the census roll of 1896. He is enrolled as the enrollment of himself, wife and 3 children. He avers that he was married to Martha Locker on the 16th of August 1895, but presents no certificate of marriage; presents a marriage license but there is no certificate of marriage attached. His name is on the 1896 census roll and the name of his wife is also found on the 1896 census roll. The names of their children, Charles, Jonnie Ann, and Robert P. Harris appear on the census roll of 1896, and satisfactory proof is offered as to the birth of the two youngest children, Nellie H. and William H. Harris, born since the roll of 1896 was compiled. He presents a certified copy of an act admitting among others his wife Martha Locker in 1872, her name is not upon the 1880 authentic census roll. He avers that the parents of his wife Martha, removed her from Texas where he married her according to the laws of Texas, afterwards being re-married according to the laws of the Cherokee Nation as he avers. He also avers that he removed with his family and took up a permanent residence in the Cherokee Nation in 1892 and has lived here ever since. Now comes the Cherokee Nation through its representative Mr. Baugh and protests against the enrollment of applicant, his wife and children because of the fact that they were removed and admitted to citizenship after their removal back in 1892 as provided by Section 2 of Article 1 of the Cherokee Constitution; consequently the final judgment as to the enrollment of applicant, his wife and children, will be amended and their name will be placed on a doubtful card.

It is the duty of the Commission to act as interpreter to the Commission and to the Cherokee Nation and to the people of the Cherokee Nation and to the people of the United States and to the people of the world and to the people of the future.

Charles Miller

Witness my hand and seal this 1st day of June, 1900.

Charles Miller

Commissioner

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

OCT 23 1906

[Handwritten signature]

COMM. TO THE FIVE CIVILIZED TRIBES

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S U P P L E M E N T A L - T E S T I M O N Y §

"D" # 6 6 1 & "D" # 9 0 9 .

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., ~~MEMPHIS~~ March 1st, 1901.

IN THE MATTER OF THE APPLICATION OF Martha L. Harris: "D" #661 &
R. M. Locker "D" #908.

MARY H. NICHOLSON being sworn and examined by Commissioner T. B.
Needles testified as follows:

Q What is your name? A Mary H. Nicholson.
Q What is your age? A Sixty five.
Q What is your Postoffice? A Muskogee.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Do you know Robert Harris? A I know of him, yes sir.
Q Do you know Martha L. Harris? A Yes, sir, her mother was a
niece of my husband's.
Q Well, state anything you may know in regard to Mr. Harris' wife,
Martha L. living in Texas.
A Cal Locker was her father and Margaretta was her mother; they
moved away from our house.
Q Where was that; in the Cherokee Nation? A Yes, sir; they built
them a house on my place and was going to live there.
Q Who was that? A The mother and father of this man's (Harris')
wife; they lived there until Spring; he plowed his ground over one
time; her health gave way and they took her to Texas; she had dropsy
and some lung trouble, and she did not live very long.
Q Who did not live very long? A Margaretta Locker, the mother of
this girl (Martha L. Harris.) She did not live very long; I suppose
this girl was not more than twelve years old when her mother died.
He (Cal Locker) thought they would come back if she regained her
health, and she died and he never did come back.
Q When did Martha L. come back? A About thirteen years ago.
Q Was she married when she came back? A Yes, sir.
Q Married to Mr. Harris? A Yes, sir.
Q Do you know anything about their marriage? A No, sir, I don't
know; they married in Texas.
Q Did they marry afterwards in the Cherokee Nation? A That's
what he told me.
Q You do not know yourself? A No, sir.
Q You say that Martha L. was a minor when she was taken away by
her father? A Yes, sir, about twelve years old.
Q When she came back, she was married? A Yes, sir and had about
three children.
Q Came back about thirteen years ago? A Yes, sir.
Q Do you know how old she was when she came back? A No, sir, I
don't know just exactly.

ROBERT HARRIS, being sworn and examined by Commissioner, T. B.
Needles testified as follows:

Q Mr. Harris how old was your wife when you married her?
A About seventeen.
Q How long did you live in Texas before you removed to the Cherokee
Nation with her? A We lived there about five year and then we came
here, and I put down a place and started improvements; her health
got so bad; she was effected like her mother; and we travelled around
about a year.
Q About how old was she when you first removed with her; about
twenty two years old? A Yes, sir.
Q She had no children then? A Yes, sir.
Q Born in Texas? A Yes, sir.
Q The remaining children you apply for were born in the Cherokee
Nation, were they? A Yes, sir.

• 100 •

Q But you have not filled any proof of that? A No, sir, I have not sent for the certificate; I have just neglected it; I can get that any time.

Q And you came here about 1892, permanently? A Yes, sir. I came here and stayed a couple of years, and her health got bad and I travelled around.

Q Is he married now? A Yes, sir.

Q Has he married since? A Yes, sir.

COMMISSIONER.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 1 1901

"R".

Cherokee D 661

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 5, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the application of
Robert B. Harris for the enrollment of himself, wife and children
as Cherokee citizens.

Appearances:

Applicant in person;

V.V. Hastings, Attorney for the Cherokee Nation.

BIDIPHER NICHOLSON, being first duly sworn and being examined
testified as follows:

BY COMMISSION:

Q What is your name? A Bidipher Nicholson.

Q How old are you? A 50 years old.

Q What is your post-office address? A Talala.

BY MR. HASTINGS:

Q How long have you known this man's wife? A Ever since she was a
little baby, ever since she was born.

Q Where did you know her? A In Texas.

Q You didn't know her up here? A Yes, I knowed her here for the
last 16 years or 17 years.

Q You have not known her here for 16 or 17 ? A Yes, I knowed her
mother before she was born.

Q Well but this woman has not been up here 16 or 17 years? A She
has been off and on here, she has not been here all the time;
her parents come here in '70.

Q Well I know, but they went back to Texas? A Well they come back
again; they traveled a good deal for her mother's health.

Q Her mother was traveled? A Yes sir.

Q You knew them in Texas before they came up here? A Yes sir.

Q When did you first come to the Territory? A I came here in
1884, came here in '83 first and come back in 1884. In 1884 I
moved my effects here.

Q You were there here in 1884 when you come? A They didn't come, no,
the children, her mother died in Texas, they thought they would
move back and before we come and she died.

Q You know whether she was married to this man? A Yes I know
where she was married, in Texas.

WITNESS EXAMINED BY APPLICANT:

Q Well when they went to Texas there were they children of age, this
woman Martha L.? A No she was small.

Q Or R.M. or Nellie? A No, they were all small.

Q When did Martha L. come back here? A That is your wife?

Q Yes. A I don't know what year it was; she never come back here
at all any more until after her mother died until after we moved
here.

Q When did you come here? A I come in 1885, 1884, it must
have been 1886.

BY COMMISSION:

Q How long after you came was it? A 2 years, in 1886.

BY APPLICANT:

Q Was it '86 or '87? A Well now maybe it was '87; it was not a
great while, it was '86 or '87; '87 I guess.

Q When did R.M. Locker come back? A He come in 1885.

Q And when did Nellie come? A Well she come when you did, that was
in '86 wasn't it; it seems to me it was '86, it was about that time
anyway; I wont be positive as to the time.

Q Well did Martha L. leave the Territory since you came back in
'86 or '87? A Why you all went back there and picked cotton it
seems to me after that and stayed a while; she left some of her
effects here, and come back.

Q Come back about what year? A I will have to study a little on
that what year that was; it was in '88 she left I think or '89,
she went down there; it must have been '92, '91 or '2.

Q Well has she resided here ever since? A Yes, you have resided here ever since.

Q R.M. Locker always, has he been residing here continuously, ever since 1885? A He has made this his home ever since; he come out here in 1885, stayed with me quite a while; Nellie has made this her home continually; she went to school awhile at the orphan asylum; she never been out over six months at a time as I knew of; she went to see you all in Texas.

BY MR. HASTINGS:

Q What did you say this man's wife's mother's name was? A Martha L. Locker, was her name before he married her.

BY COMMISSION: There is offered in evidence an act of the Cherokee National Council showing that Martha Locker and others were re-admitted to citizenship in the Cherokee Nation on the 22nd day of November, 1872; and same is filed herewith.

There is also offered in evidence a certified copy showing that a license was issued to R.B. Harris, a citizen of the Cherokee Nation and Mrs. Martha Harris, nee Locker, a citizen of the Cherokee Nation, by Joe M. Lahay, clerk of Cooweescoowee District, Cherokee Nation, on the 15th day of August, 1895, and a certificate showing that they were married on the 16th day of August, 1895, in accordance with license aforesaid, by Ed Sunday, Mayor of the City of Oolagah; and same is filed herewith.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

TO THE DIRECTOR, BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE
FROM THE CHIEF OF POLICE, NEW YORK CITY
SUBJECT: [Illegible]

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RECEIVED
DEC 12 1902

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Supl. C. D. #661.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 6, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
NELLIE M. POLSON, ET AL., D. 660, and also ROBERT B. HARRIS, ET AL.,
D. 661, as citizens of the Cherokee Nation; Introduced on part of
the applicants.

William M. Polson was notified by registered letter February 15, 1902, that his application for the enrollment of his wife and children would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902. Receipt has been acknowledged of Commission's letter, and the said William M. Polson this day, to-wit: the 6th day of March, 1902, appears in person.

Robert B. Harris was notified by registered letter February 15, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902. Receipt has been acknowledged of Commission's letter, and the said Robert B. Harris this day appears in person.

Mr. W. W. Hastings, Cherokee representative, present.

Commission: The following Act of the Cherokee National Council is offered in evidence and made a part of the record in the case of Robert B. Harris:

"An Act to readmit to citizenship the persons therein named. Be it enacted by the National Council that Margaret S. Locker, Martha Locker, R. M. Locker, L. D. Locker, and Nancy E. Beaty, Cherokees, be and they are hereby readmitted to the rights and privileges of Cherokee citizenship.

Tahlequah, C. N.

Nov. 22, 1872.

Approved

Will P. Ross,
Principal Chief.

I, W. H. Mayes, Asst. Ex. Secy, do hereby certify that the above is a true and correct copy of the law as appears on the record in this office.

W. H. Mayes,
Asst. Ex. Secy.

April 11th, 1893.
(SEAL)"

ROBERT B. HARRIS, being duly sworn, testified as follows
on part of applicants:

COMMISSION:

- Q What is your name? A Robert B. Harris.
Q How old are you? A 40.
Q What is your post office? A Oolagah, I. T.
Q You are an applicant before the Commission for the enrollment of yourself, your wife and children as citizens of the Cherokee Nation? A Yes, sir.

WILLIAM M. POLSON, being duly sworn, testified as follows
on part of applicants:

COMMISSION:

- Q What is your name? A William M. Polson.
Q How old are you? A 32.
Q What is your post office address? A Oelagah.
Q Are you the husband of Nellie Polson and the father of her children who are applicants before the Commission for their enrollment as citizens of the Cherokee Nation? A Yes, sir.

RICHARD M. LOCKER, being duly sworn, testified as follows on part of the applicants:

BY ROBERT B. HARRIS:

- Q What is your name? A Richard M. Locker.
Q What year was Nellie Locker born; she don't appear on the readmission there of 1872, the rest of the family was readmitted?
A I don't remember just what year she was born, been, born '72, I think, best of my knowledge that is when she was born.
Q She was born after the rest of the family was readmitted?
A Yes,
Q And when did she come back? A Come back here in 1887.

MR. HASTINGS:

- Q Where was she born? A She was born there east of Gibson.
Q Fort Gibson? A Fort Gibson.
Q Tahlequah district? A Why I suppose it is; I don't know what district that is, but then that is my understanding.
Q Were you over there? A Yes, sir.
Q How old was she when she was taken back to Texas, about when did they go back to Texas? A I don't know just when, but I think it was about '79 or '78, '9.

Mr. POLSON:

- Q Did your mother die there, Margaret S. Locker die there?
A Yes, sir.
Q About what year did she die? A She died I guess '79.

WILLIAM M. POLSON, recalled, further testified:

MR. HASTINGS:

- Q What is your name? A William Martin Polson.
Q How long have you been acquainted with your wife? A Well, sir, I guess I have been acquainted with her about nine years.
Q Where did you marry? A Married at Oelagah.
Q You have been living there since that time? A Yes, sir.
Q You know that she is a sister of this man Locker?
A Yes, sir.
Q Sister of this man Harris's wife? A Yes, sir; that is my understanding.
Q You have only known her though for the past nine years?
A Yes, sir.
Q How long have you been married? A Been married six years 12th of March.

Mr. Harris: When Nellie Polson's parents died, that is her father, I didn't know her mother, she died before I knew her mother; her father died in 1884, and I brought her to the country with me a little child, she was seven years old; I believe she was nine years old; I taken her and brought her to the country and put her in the Orphan Asylum up here, Orphan Schell and she stayed there until she become of age, and she has been here ever since.

Commission of Robert B. Harris:

- Q Where were you married to your wife? A I was married in Texas first.
Q What time was that? A That was in '82.

- Q Did you know her for any length of time prior to your marriage?
A No, sir.
Q How soon did you come back to the Cherokee Nation?
A Come in 1867.
Q Did you bring Nellie Posen with you at that time?
A Yes, sir.
Q Have you and she been living here ever since that time; that is, you and your wife and Nellie Posen? A Yes, sir; I was out for a year and a half or two years, but I left improvements here when I went away, didn't go away to stay.
Q When was it you went away? A '88 or '9. I went away; '89, I suppose.
Q Since your marriage to your wife under Cherokee law have you ever exercised the right of suffrage in any state or territory?
A No, sir.
Q Your wife was admitted to citizenship when? A '72.
Q Where was she living at that time? A I don't know that, I suppose here about Fort Gibson though.
Q She was living in Tesars when you married her? A Yes, sir.
Q You don't know how long she had been living there? A No, sir.
Q Is there any statement you desire to make relative to your application? A No, sir, I believe not.

Commission of Mr. Polson:

- Q Do you desire to make any statement relative to the enrollment of your wife? A No, sir, Mr. Hastings there went to school with my wife, up until she was of age.
Q Do you in behalf of your wife and children submit the case to the Commission for final consideration? A Yes sir.

Commission to Mr. Harris:

- Q Do you in behalf of your wife and children submit the case to the Commission for final consideration? A Yes, sir.

Commission to Mr. Polson:

- Q It appears upon an examination of the testimony when when the original application was made that in answer to the question what was the name of your wife, you answered Minnie; was that answer correct, is your wife's correct name Minnie? A No, sir, it is Nellie.

Commission: It appears that when the applicant presented his original marriage license and certificate to the Commission at Claremore on the 22d day of October, the examining official stated "applicant presents a duly authenticated marriage license and certificate certifying that he was married to one Miss Minnie Licker, a citizen of the Cherokee Nation, on the 12th day of March, 1896." An examination of the license filed herewith shows that the applicant was married to Miss Nellie Locker, a citizen of the Cherokee Nation, on the 12th day of March, 1896

Robert B. Harris in behalf of himself, wife and children and William M. Polson in behalf of his wife and children and the attorney for the Cherokee Nation in behalf of the Nation submit the cases to the Commission. The same are ordered closed and reported to the Commission for final decisions based upon the evidence now of record.

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I hereby certify upon my official oath as stenographer to the Commission to the five Civilized Tribes that I correctly recorded the proceeding had in this case on the above date, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. H. Case,
Stenographer.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, September 29th, 1902.

In the matter of the application of Robert B. Harris for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of his wife Martha L. Harris and his children Charles, Johnnie A., Robert P., Nellie M. and William M. Harris as citizens by blood of the Cherokee Nation.

Supplemental to D-661.

Appearances:

Applicant appears in person.
Cherokee Nation by J. C. Starr.

ROBERT B. HARRIS, being duly sworn, testified as follows:--

Examination by the Commission.

- Q. What is your name, Mr. Harris? A. Robert B.
Q. What is your age at this time? A. 41.
Q. What is your post office? A. Ooolagah.
Q. Are you the same Robert B. Harris who made application to the Commission on October 22nd, 1900, for enrollment as citizen by intermarriage? A. Yes, sir.
Q. What is your wife's name? A. Martha L.
Q. Is she a citizen by blood of the Cherokee Nation? A. Yes, sir.
Q. When were you and she married? A. Married, it is--married under the Cherokee law in August, 1895.
Q. Did you have a license, Cherokee license? A. Yes, sir.
Q. Have you filed that with your application? A. Yes, sir.
Q. You were married to her previous to that under the state law? A. Yes, sir.
Q. Where? A. Texas/
Q. Have you and your wife lived together ever since your first marriage as husband and wife? A. Yes, sir.
Q. Up to the present time? A. Yes, sir.
Q. Living together now? A. Yes, sir.
Q. Were you ever married prior to your marriage to her? A. No, sir.
Q. Was she ever married prior to her marriage to you? A. No, sir.
Q. You are her first husband? A. Yes, sir.
Q. She is your first wife? A. Yes, sir.
Q. You say you were married to her in Texas? A. Yes, sir.
Q. When did you come to the territory? A. In 1887.
Q. Have you and your wife resided in the Cherokee nation ever since 1887 until now? A. Ever since 1892.
Q. Was your wife readmitted after she came to the Cherokee Nation? A. No, sir.
Q. She was never readmitted? A. No, sir.
Q. How long did she live in Texas? A. I don't know how long she lived there, I didn't know her all the time.
Q. Were you married in 1887 the first time? A. Yes, sir. No, I was married in 1888 the first time.
Q. Was she living in Texas when you married her.
A. Well, she was there. Her ~~xxx~~ parents had died. She was a minor when I married her.
Q. What was her father's name? A. William Locker.
Q. Mother's name? A. Margaret S. Locker.
Q. Both of her parents lived in Texas? A. Yes, sir.
Q. She was there when you married her? A. Yes, sir. Her effects was down here.
Q. When did you come to the Cherokee Nation? A. 1887.
Q. How long did you stay in 1887? A. Stayed until 1889 and went

back and wound up some business. Came back in 1892.

Q. Your wife never made application to the Cherokee Council for readmission? A. Yes, sir. She made application and they said it wasn't necessary; she could come back under the minor class.

Q. She was a minor when you married. How old was she when she came back? A. Something like 22.

Q. The fact is she was never readmitted? A. No, sir.

Q. Have you and her lived together as husband and wife in the Cherokee Nation continuously since 1892 until the present time?

A. Yes, sir.

Q. Living together on the first day of September, 1902?

A. Yes, sir.

Q. Is your wife Martha L. and your children Charles, Johnnie A., Robert P., Nellie M. and William M. all living at this time?

A. Yes, sir.

Q. And living at home with you? A. Yes, sir.

Q. These children have all lived in the territory since 1892 except those born since and they have lived here all their lives?

A. Yes, sir.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 4th day of October, 1902.

Jesse O. Carr
Be Jones
Notary Public.

2700 0000

THESE ARE THE RESULTS OF THE INVESTIGATION OF THE
CASE OF THE DEATH OF THE LATE MR. J. H. BROWN
AND THE RESULTS OF THE INVESTIGATION OF THE
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--oOo--

In the matter of the application of Robert B. Harris for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Martha L. Harris, and his minor children, Charles, Johnnie A., Robert P., Nellie M. and William M. Harris, as citizens by blood of the Cherokee Nation:

D E C I S I O N .

The record in this case shows that on October 22, 1900, Robert B. Harris appeared before the Commission at Claremore, Indian Territory, and made personal application for his enrollment as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Martha L. Harris, and his minor children, Charles, Johnnie A., Robert P., Nellie M. and William M. Harris, as citizens by blood of the Cherokee Nation. Further proceedings were had at Muskogee, Indian Territory, on March 5, 1902, on March 6, 1902, and again on September 29, 1902.

The evidence shows that Martha L. Harris, under the name of Martha Locker, was admitted to citizenship in the Cherokee Nation on November 22, 1872. She was married on August 16, 1895, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, to the principal applicant, Robert B. Harris. The above named children are the issue of that marriage. Robert B. Harris and his wife, Martha L. Harris, and their three older children are identified on the Cherokee Census Roll of 1898. Nellie M. and William M. Harris are identified by birth affidavits on file with this Commission.

The evidence further shows that said Robert B. Harris and his wife, Martha L. Harris, have resided together in the Cherokee Nation continuously since 1892 up to and including September 1, 1902. The residence of the minor children is considered to be the same as that of their parents.

It is, therefore, the opinion of this Commission that Robert B. Harris should be enrolled as a citizen by intermarriage of the Cherokee Nation, and that Martha L. Harris, Charles Harris, Johnnie A. Harris, Robert P. Harris, Nellie M. Harris and William M. Harris should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this NOV 20 1902

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,

Muskogee I. T. December 9th 1902.

In the matter of the application of Robert B. Harris for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for his wife and children as citizens by blood of the Cherokee Nation.
Cherokee D 661.

Protest of the Cherokee Nation.

The Cherokee nation desires to respectfully protest against the decision of the Commission rendered in this case on November 20th 1902 and asks that the same be forwarded to the Honorable secretary of the Interior for review.

The testimony in this case shows that the wife of Robert B. Harris was admitted to citizenship in the Cherokee nation in 1872, that a short time thereafter, about three years, she was taken by her parents to the state of Texas where her parents died, where she continued to reside and married her husband who was a resident and citizen of the State of Texas in 1882, her residence then became that of her husband, her husband had prior to that time been a continuous resident of the State of Texas and her residence was of course the same. They lived there continuously, according to the testimony until 1887, a period of five years when they made a brief visit to the Cherokee nation and then went back to Texas and returned to the Cherokee Nation in 1892 for the first time to permanently locate.; their first child aged 17 years in 1900 was born in the State of Texas in 1883 and their second child aged 9 years in 1900 was also born in the state of Texas and although the principal applicant contends that he returned to the state of Texas for the benefit of his wives health his testimony discloses that three children have been born to them since 1892 namely: Robert P. aged 7 years in 1900; Nellie M. Aged 3 years in 1900 and William H. aged nine months at that time.

The contention of the Cherokee Nation is that under Article One Section Two of the Constitution of the Cherokee Nation which provides that

4

"Whenever any citizen shall remove with his effects out of the limits of this Nation and becomes a citizen of ^{any other} another government all his rights and privileges as a citizen of this Nation shall cease," That applicant forfeited her rights of citizenship in the Cherokee Nation by her removal to Texas, her marriage there, by becoming a citizen of the State of Texas and by her residence there continuously from 1875 until 1892.

Congress intended that the Commission should be governed by the laws and customs of the Cherokee Nation and in the act of June 10 1896 it is provided that the United States Commission shall respect all laws of the several nations or tribes not inconsistent with the laws of the United States and all treaties that either of said nations or tribes and shall give due force and effect to the rules, usages and customs of each of said nations or tribes, and in the act of June 7th 1897, the words "Rolls of Citizenship" is defined to be "The last approved or authenticated rolls of either of the said tribes".

Now if the constitution usages and customs of the Cherokee Nation is to be followed by the Commission we think clearly under Article One, Section 2 of the Cherokee Constitution that the applicants wife lost her rights in the Cherokee Nation by her removal to the state of Texas, her marriage and her continuous residence there and that it was necessary for her to have been readmitted to citizenship in the Cherokee Nation by the National Council or some court or Commission having jurisdiction before she can now be enrolled by the Commission as a citizen of this Nation.

If this contention is not true then no respect whatever is given to the Cherokee Constitution, none whatever is given to the customs and usages of the Cherokee Nation; if one could remain without the limits of the Cherokee Nation for seventeen years and have two children born there, marry a citizen of a foreign state and then not lose her rights it is not apparent under what circumstances any Cherokee could forfeit his right to be listed for enrollment as a citizen of the Cherokee Nation.

Respectfully submitted,

W. C. Hooper
Attorney for the Cherokee Nation.

COMMISSIONERS
HENRY C. DAWES,
TAMM HIXON,
THOMAS H. NELSON,
C. R. BUCKENBERRY

ALLISON J. ALLEN, SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

907
REPLY IN REPLY TO THE FOLLOWING

Cherokee D-661.

Muskogee, Indian Territory, November 26, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting the application of Robert B. Harris for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Martha L. Harris, and his five minor children, Charles, Johnnie A., Robert P., Nellie M. and William M. Harris, as citizens by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. H-172.

34V

COMMISSIONERS
HENRY L. DAWES
JAMES H. HAYES
THOMAS H. NELSON
C. R. BEE KINNESE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPLY IN REPLY TO THE FOLLOWING

Cherokee D 661.

ALLISON L. AVERSWORTH
PORTER

Muskogee, Indian Territory, December 13, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,


Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 20, 1902, granting the application of Robert B. Harris for the enrollment of himself as a citizen by intermarriage, for the enrollment of his wife, Martha L. Harris, and his five minor children, Charles, Johnnie A., Robert P., Nellie M. and William M. Harris, as citizens by blood of the Cherokee Nation, a copy of which decision was furnished you on November 26, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Acting Chairman.

COMMISSIONERS
JAMES BIRBY,
THOMAS H. NEEDLES,
C. R. BRICKENRIDER,
W. E. STANLEY.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-661

Muskogee, Indian Territory, August 29, 1903

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are advised that the Commission's decision dated November 20, 1902, granting the application of Robert B. Harris for the enrollment of himself as a citizen by intermarriage and for the enrollment of his wife, Martha L. Harris and his five minor children, Charles, Johnnie A., Robert P., Nellie M. and William M. Harris, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, as to all except Robert B. Harris, on August 15, 1903.

The Department's letter states:

"The rights of the applicant, Robert B. Harris, who claims as an intermarried citizen of the Cherokee Nation, will not be adjudicated by the Department at the present time but will await the decision of the Court of Claims upon the question submitted to said court on February 24, 1903, relative to the rights of intermarried Cherokee citizens.

Respectfully,

Chairman.

D.C.52901-1906.

(COPY)

Y.P.

DEPARTMENT OF THE INTERIOR

WASHINGTON.

FHE.

I.T.D. 1444-1903.

November 28, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Referring to departmental letter of August 15, 1903, in the matter of the application for the enrolment of certain persons as citizens of the Cherokee Nation, including Robert B. Harris as a citizen by intermarriage, in view of the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, appealed from the Court of Claims, the application for the enrolment of said Robert B. Harris is denied. The claims of the other applicants were disposed of in said letter.

The papers in the case have been sent to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

5 inclo. for Ind. OF.

REFER IN REPLY TO THE FOLLOWING

Cherokee
D 661.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 12, 1906.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting the application for the enrollment of Robert B. Harris as a citizen by intermarriage of the Cherokee Nation was reversed by the Department November 28, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. W-16. 1/2
S.W.


Commissioner.

CHESTER

Q. 66

Robert B Harris et al

OCT 26 1907

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Cher D 662

Cher D 662

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Claremore, I.T. October 22nd, 1900.

IN THE MATTER OF THE APPLICATION OF WILLARD EVAN HUTCHINS FOR THE ENROLLMENT OF HIMSELF, HIS WIFE AND CHILDREN AS CHEROKEE CITIZENS.

The said Willard Evan Hutchins, being sworn and examined by Commissioner C. R. Brockinridge, testified as follows:

- Q What is your name? A Willard Evan Hutchins.
Q How old are you? A Forty three.
Q What is your post office? A Claremore.
Q Do you live in Cawwawawee District? A Yes, sir.
Q Who do you want to have enrolled? A Myself and family.
Q You have a wife? A Yes, sir.
Q And how many children? A Four.
Q Are you a Cherokee by blood? A No, sir.
Q Is your wife a Cherokee by blood? A Yes, sir.
Q Let me see your marriage license and certificate. A I have got a United States license.
Q That went do you any good. What became of your Cherokee license
A I sent it off to be recorded and I never could find it. It never came back.
Q When were you married? A In 1891.
Q In what district were you married? A Here in Claremore, Cawwawawee District.
Q Did you get your license in Cawwawawee? A No, sir.
Q What district did you get it in? A In Illinois.
Q Why didn't you sent to Tahlequah and get an official copy of the record? A Well, I did get this.
Q Have you lived with your wife ever since you married her in 1891? A Yes, sir.
Q All the time in the Cherokee Nation? A Yes, sir.
Q Give me the name of your wife. A Nettie Hutchins.
Q Has she any middle name? A No, sir.
Q How old is she? A She is twenty-eight, I believe.
Q And you married her in 1891? A Yes, sir.
Q Were you ever married except to her? A No, sir.
Q Was she ever married except to you? A No, sir.
Q Now, what was her name when you married her? A Smith.
Q Was that her maiden name? A Yes, sir.
Q How long has she lived in the Cherokee Nation? All her life?
A Yes, sir.
Q Give me the name of her father? A Robbin Smith.
Q He is dead, is he? A Yes, sir.
Q Give me the name of her mother. A Nancy.
Q Is she dead? A No, sir.
Q Now, give me the names of your children. A Lou Welford.
Q How old is that child? A Eight years old.
Q The next child? A Ruford Ralph.
Q How old is that child? A Six.
Q The next child? A Ual Ross.
Q How old is that child? A Five years old.
Q Now, the next child. A Ethel May.
Q How old is that child? A Three years old.
Q Have you got a certificate of that child's birth? A Yes, sir.
Q These children are all living now are they? A Yes, sir.

1896 Roll, page 182, No. 2180, Wally Smith, Coconino District.
1896 Roll, page 178, No. 2180, Bettie Hutchins, Coconino District.

1896 Roll, page 207, No. 455, Willard B. Hutchins, Coconino District.

1896 Roll, page 178, No. 2180, Lulu Hutchins, Coconino District.

1896 Roll, page 178, No. 2181, Ralph Hutchins, Coconino District.

1896 Roll, page 178, No. 2182 Ross Hutchins, Coconino District

THE COMMISSIONER: The applicant applies for the enrollment of himself, his wife and four children. His wife is identified on the rolls of 1890 and 1896 as a native Cherokee. She has lived in the Cherokee Nation all her life and she will be listed for enrollment as a Cherokee by blood.

The applicant is identified on the roll of 1896. He states that he married his wife in accordance with Cherokee law in 1891, but he is unable to produce at this time official evidence of his having married under a Cherokee license. Neither he nor his wife were ever married before. He will now be listed on a doubtful card to await official evidence of his having been married to his wife in accordance with the Cherokee law, being treated as a Cherokee citizen by intermarriage.

Of the four children named in the testimony, the first three are identified on the roll of 1896. They are living at this time, and will be listed for enrollment as Cherokees by blood, and when the certificate of the birth of the youngest child to Hahai Day is supplied the Commission, this child will be listed for enrollment as a Cherokee by blood.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 24th day of October A. D. 1900.

Commissioner.

FILED

OCT 24 1900

ACTING CHAIRMAN

SUPPLEMENTAL D-457.

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I. T. November, 19th 1908.

In the matter of the application of Willard E. Hutchinson for enrollment as a Cherokee citizen. Wallie Ross being sworn and testified as follows before the Commission:

Q What is your name? A. Wallie Ross.
Q What is your age? A. 32.
Q What is your post office address? A. Claremore.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q Do you know his wife Wallie? A. Yes sir.
Q Do you know whether or not they are married? A. Yes sir.
Q How do you know it? A. Well I did not see their marriage.
Q Do you know whether or not they had a Cherokee license? A. Yes sir I saw his license. His wife is a half sister of my husband's and my husband asked him for his license and he showed it to me.
Q Has he always been living with his wife since then? A. Yes sir.
Q You are satisfied that they are regularly married? A. Yes sir.

JESSIE STARR being called and sworn as a witness and testified as follows:

Q What is your name? A. Jessie Starr.
Q What is your age? A. 35.
Q What is your post office address? A. Claremore.
Q Do you know Willard E. Hutchinson? A. Yes sir.
Q Do you know his reported wife Wallie? A. Yes sir.
Q Do you know whether or not they were married according to the laws of the Cherokee Nation? A. I didn't see their marriage, I saw their license.
Q How did you happen to see the license? A. He is a brother of mine and when the license came he was not at home and I wanted to see them so I opened the envelope and looked at them when they first came.
Q And he was married under these license? A. I suppose so, I never saw him married.
Q Who sent them the license? A. They were sent from Muskogee.
Q He couldn't get any Cherokee license from Muskogee? A. He got two licenses, one from the United States Court and one from the Cherokee Nation.
Q And you are sure that they were Cherokee Regular license and he had? A. Yes sir.
Q Were you married then? A. Yes sir.

The applicant Willard E. Hutchinson sworn as a witness and testified before the Commission as follows:

Q What was it you wanted to state about getting two sets of license? A. In the first place I went to Muskogee and they would not let me have a United States license until I had gotten a Cherokee license, and I then got a Cherokee license and had it sent to Muskogee and the Clerk returned both to me.
Q Who issued you the Cherokee license? A. Thomas Thornton the clerk at Ft. Gibson.
Q Is he living? A. No sir.
Q Have you had the records examined? A. Yes sir but they are not on record. Mr. Lacey looked it up for me.

Chas. von Weise being sworn stated that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said

B-002 72.

proceedings.

Chas. W. Rogers

Subscribed and sworn to before me this 13th of November, 1900.



Commissioner.

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President of the Senate,
Washington, D. C., March 1, 1904.

Reference is made to the report of the Committee on Education and Labor, House of Representatives, dated March 1, 1904.

The report of the Committee on Education and Labor, House of Representatives, dated March 1, 1904, and the resolution for the amendment of Article I, Section 2, of the Constitution of the United States, which is contained in the report of the Committee on Education and Labor, House of Representatives, dated March 1, 1904, are hereby approved and the same are hereby transmitted to the Senate for its consideration.

Very respectfully,
J. H. P. Smith, Chairman, Committee on Education and Labor.

The report of the Committee on Education and Labor, House of Representatives, dated March 1, 1904, and the resolution for the amendment of Article I, Section 2, of the Constitution of the United States, which is contained in the report of the Committee on Education and Labor, House of Representatives, dated March 1, 1904, are hereby approved and the same are hereby transmitted to the Senate for its consideration.



J. H. P. Smith

Department of the Interior,
Bureau of the Land Office,
Washington, D. C., March 22, 1904.

WILLIAM H. HARRIS is the author of the certificate of
WILLIAM H. HARRIS as a witness of the Cherokee Nation:

That certificate from March 5 to March 22, 1904, is agree-
ment between the representatives of the Cherokee Nation and other
parties to the agreement.

W. H. H. Harris, Attorney for Cherokee Nation;
W. H. H. Harris, Attorney for Cherokee Nation, etc.

W. H. H. Harris, being duly sworn, testifies as follows on
part of agreement:

1. That your name is W. H. H. Harris.
2. That you are now, Mr. Harris, a citizen of the State of
Alabama.
3. That you were born during the year 1861, and are in the Cherokee
Nation, I think at the Indian Territory of that time.
4. That you are acquainted with Mr. W. H. H. Harris, the applicant in this
case, and that you have had a slight acquaintance with Mr.
Harris for several years.
5. That in your business or profession, that was in 1904?
6. I was at that time a Machinery Agent in the Cherokee Nation.
7. Is not you had right to perform otherwise the time of marriage?
8. Yes, sir.
9. I wish you would state whether or not you witnessed the time
of wedding between Mr. Harris and his wife, Miss Smith?
10. When Miss Smith married my husband and I have a very distinct
recollection of the girl and I am quite sure that I performed the
wedding ceremony with a gentleman by the name of Harris; I cannot
now recall the initials, I take this gentleman to be the man.
11. Is your name now that ceremony was performed? Yes, sir, I
was present in the time of marriage.
12. Is your memory of the time that it occurred clear for any-
thing in regard to the time of marriage? I want to
state in the first, I have not a good deal of time to state and
my recollection of the ceremony is very distinct, I could easily
remember of the circumstances attending the wedding and I met Mr.
Harris but I now think I remember very distinctly, think that
I met him at the time and that he told me the business and I think
it was my duty to remember just how I acted in question the Appli-
cation of the agreement and I think that I remember very distinctly
that he told me there was an exhibit of a license from the United
States Court together with a license from the Cherokee Nation which
I took him personally in my own hand before I could perform the cere-
mony. I know I was performing some thing and I remember
distinctly that he presented papers, I don't remember that I showed
the papers, but in case my husband as it was the paper given
before I was that was there found to go and not carry him.
13. W. H. H. Harris
14. The first law by that any of these papers were signed?
15. Yes, sir.
16. The last signature the circumstances will be recalled?
17. Yes, but I am quite sure that I can remember. I do not remember
after that time of our handling the papers; I don't remember any-

THE FIRST OF THESE IS THE FACT THAT THE
COUNTRY IS A RICH ONE, AND THAT THE
PEOPLE ARE A CAPABLE ONE.

THE SECOND IS THE FACT THAT THE
COUNTRY IS A RICH ONE, AND THAT THE
PEOPLE ARE A CAPABLE ONE. THE
THIRD IS THE FACT THAT THE
COUNTRY IS A RICH ONE, AND THAT THE
PEOPLE ARE A CAPABLE ONE. THE
FOURTH IS THE FACT THAT THE
COUNTRY IS A RICH ONE, AND THAT THE
PEOPLE ARE A CAPABLE ONE.

THE FIFTH IS THE FACT THAT THE
COUNTRY IS A RICH ONE, AND THAT THE
PEOPLE ARE A CAPABLE ONE. THE
SIXTH IS THE FACT THAT THE
COUNTRY IS A RICH ONE, AND THAT THE
PEOPLE ARE A CAPABLE ONE.

THE SEVENTH IS THE FACT THAT THE
COUNTRY IS A RICH ONE, AND THAT THE
PEOPLE ARE A CAPABLE ONE. THE
EIGHTH IS THE FACT THAT THE
COUNTRY IS A RICH ONE, AND THAT THE
PEOPLE ARE A CAPABLE ONE.



THE STATE OF CALIFORNIA

IN SENATE,
January 1, 1900.

REPORT OF THE
COMMISSIONER OF THE
LAND OFFICE,
FOR THE YEAR 1899.

ALBINO W. BROWN,
COMMISSIONER.

San Francisco:
J. L. BROWN,
Printer.

1900.

REPORT OF THE COMMISSIONER OF THE GENERAL LAND OFFICE
FOR THE YEAR 1880

IN RESPONSE TO A RESOLUTION OF THE HOUSE OF COMMONS
PASSED IN 1879

CONTENTS

CHAPTER I.
GENERAL STATE OF THE LANDS BELONGING TO THE CROWN

1. The total area of the lands belonging to the Crown at the end of the year 1880 was 1,000,000 acres. This was an increase of 100,000 acres since the year 1870. The increase was due to the acquisition of new lands by the Crown, and to the transfer of lands from other departments to the General Land Office.

2. The lands belonging to the Crown were divided into three classes: (a) lands reserved for the use of the Crown, (b) lands reserved for the use of the public, and (c) lands reserved for the use of the private individual.

3. The lands reserved for the use of the Crown were 400,000 acres. These lands were reserved for the use of the Crown in various capacities, such as for the use of the military, for the use of the navy, and for the use of the civil service.

4. The lands reserved for the use of the public were 300,000 acres. These lands were reserved for the use of the public in various capacities, such as for the use of the public in the construction of roads, for the use of the public in the construction of railways, and for the use of the public in the construction of public buildings.

5. The lands reserved for the use of the private individual were 300,000 acres. These lands were reserved for the use of the private individual in various capacities, such as for the use of the private individual in the construction of houses, for the use of the private individual in the construction of farms, and for the use of the private individual in the construction of other buildings.

6. The lands belonging to the Crown were managed by the General Land Office. The General Land Office was responsible for the management of the lands, and for the disposal of the lands in accordance with the wishes of the Crown.

7. The General Land Office was organized into three departments: (a) the department of lands reserved for the use of the Crown, (b) the department of lands reserved for the use of the public, and (c) the department of lands reserved for the use of the private individual.

8. The General Land Office was headed by the Commissioner of the General Land Office. The Commissioner was responsible for the management of the lands, and for the disposal of the lands in accordance with the wishes of the Crown.

9. The General Land Office was assisted by a number of officers and clerks. These officers and clerks were responsible for the management of the lands, and for the disposal of the lands in accordance with the wishes of the Crown.

10. The General Land Office was also assisted by a number of committees. These committees were responsible for the management of the lands, and for the disposal of the lands in accordance with the wishes of the Crown.

THE UNITED STATES OF AMERICA
DO hereby certify that
[illegible]
[illegible]
[illegible]

Witness my hand and the seal of the said State at Albany, New York, this [illegible] day of [illegible], 19[illegible].

[illegible]
[illegible]

17

REPORT OF THE COMMISSIONER,

OF THE LAND OFFICE, STATE OF ILLINOIS.

FOR THE YEAR ENDING DECEMBER 31, 1891.

CHICAGO: 1892.

The following is a summary of the land sales made by the State of Illinois during the year ending December 31, 1891. The sales were made under the provisions of the Act of March 27, 1890, relating to the sale of the public lands of the State. The lands were sold in several tracts, and the proceeds were paid into the State Treasury. The total amount of the sales was \$1,000,000.00. The lands were sold to private parties, and the proceeds were used for the benefit of the State.

The following is a list of the lands sold during the year ending December 31, 1891. The lands were sold in several tracts, and the proceeds were paid into the State Treasury. The total amount of the sales was \$1,000,000.00. The lands were sold to private parties, and the proceeds were used for the benefit of the State.

ATTEST: _____

Commissioner of the Land Office.

Secretary of the State.

Clerk of the State.

COMMISSIONERS

HENRY L. DAWES
TAMM BIRBY
THOMAS B. NEEDLES
C. R. BRECKENRIDGE

ALLISON L. A. LANSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 662.

Muskogee, Indian Territory, August 13, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 11, 1902, granting the application of Willard E. Hutchins for enrollment as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against its decision. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 44.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRACKENRIDGE.

ALLISON I. AVENWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee D-662.

Muskogee, Indian Territory, December 15, 1902.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Willard E. Hutchins for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. H-251.

~~Ward B. Hutchins~~

~~A. Original testimony. Oct 22 1900.~~

~~B. Mem. of application. Oct 22 1900~~

~~C. Supplemental testimony. Nov 12 1900~~

~~D. Notice of final consideration, 3/6/02~~

~~E. Receipt for testimony~~

~~Order concerning same until 7/21/02~~

~~R. W. Hutchins~~

~~See W. Hutchins~~

~~4092.~~

Cher D 663

Cher D 663

Department of the Interior.
Commission to the Five Civilized Tribes.
Claremore, I. T., October 28, 1900.

In the matter of the application of Joseph A. Teague for enrollment as a Cherokee citizen, he being sworn and examined by Commissioner T. B. Maxwell, testified as follows:

- Q What's your name? A Joseph A. Teague.
Q What's your age? A 70.
Q What's your postoffice address? A Claremore, I. T.
Q Are you a recognized citizen of the Cherokee Nation? A Been so far.
Q By blood or intermarriage? A Intermarriage.
The applicant presents a duly authenticated marriage license and marriage certificate certifying that he was married to Nancy Searewater, a Cherokee by blood, on the 18th day of December, 1876.
Q Is your wife's name Nancy? A Yes sir.
Q What's her age? A Don't know, sir.
Q Who do you desire to enroll? A Myself.
Q Is your wife living? A No sir, she's dead.
Q When did your wife die? A Don't know.
Q Within the last twenty-five or thirty years? A About fifteen years.
Q Is your name on the roll of 1898? A Yes.
Q Have you married since your wife's death? A No sir.
Q Been living continuously in the Cherokee Nation ever since? A Been to Kentucky once or twice on a visit. I went to settle up my father's estate. I married in Kentucky.
Q That was before you married a Cherokee woman? A Yes sir.
Q Did you ever have a family by the Cherokee woman? A No sir.
Q How long did you live with her before she died? A Seven months.
Q She quit me and went with another man and he told me to let her go.
Q What was the name of the other man? A Kyle, I think is his name.
Q You married your wife in '76 did you? A Yes sir.
Q You lived with her about seven months? A Yes sir.
Q She left you? A She left me. Her mother died after we married and her father had been dead some time before, and they were to divide the cattle. She told me I should have nothing to do with it, that Kyle and she would take care of the cattle.
Q What was the cause of her leaving you? A Don't know.
Q Never married since that time? A No sir.
Q Lived all the time in the Cherokee Nation? A Its been my home. I visited in Kentucky to settle the estate.
Q Did you ever vote in Kentucky? A No sir.
Q Never voted after '76? A No, never did only in the Cherokee Nation.

Commissioner-

The name of Joseph A. Teague does not appear upon the authenticated roll of 1890, neither upon the Census roll of 1896. He presents ~~the~~ certificate of marriage certifying that he was married to one Nancy Searewater, a Cherokee citizen by blood, in the year 1876, 18th day of December. He avers that he lived with her about seven months and that she left him, and has not lived with her since, and has not married since. The reason of the fact that the applicant does not appear upon any of the rolls of the Cherokee Nation; that he only lived with his wife seven months, and also on account of the provisions of Section 667 of the Cherokee laws under the compilation of 1893, final judgment as to the enrollment of the said Joseph A. Teague will be suspended and his name will be placed upon a doubtful card.

E. S. Rothenberg, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reports in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

2- J.A.T.

Subscribed and sworn to before me this 23rd day of October, 1900.


Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 28 1900

[Handwritten signature]

RECEIVED

21663

Supl.-C.D.#663.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 6, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
JOSEPH A. TEAGUE as a citizen of the Cherokee Nation, introduced
on part of the Cherokee Nation:

The applicant was notified by registered letter February 15, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902. That on said day he could appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting his case. He was further notified that the representatives of the Cherokee Nation would also on said date to-wit) the 6th day of March, 1902, be given an opportunity to disprove his right to enrollment, but that said representatives would be required to notify him of their intention to introduce such testimony before the same would be received by the Commission.

The Cherokee Nation makes satisfactory proof of service on the said Joseph A. Teague that it would by its representative introduce testimony tending to disprove his right to enrollment as a citizen of the Cherokee Nation at the offices of the Commission at Muskogee, Indian Territory, on the 6th day of March, 1902. The applicant having been called three times and failing to respond either in person or by attorney it is directed that said testimony be heard.

Mr. W. W. Hastings, Cherokee Representative, present.

MARY McCONNELL, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HASTINGS:

- Q What is your name? A Mar McConnell.
Q What is your post office? A Vian.
Q You Cherokee by blood? A Yes, sir.
Q Did you know a man by the name of Joseph A. Teague? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q What was his wife's name? A Nan.
Q Nan Teague? A Yes, sir.
Q What was her name before she married him? A Soacewater.
Q Was she any kin to you? A My sister.
Q Did you ever live with them? A Yes, sir.
Q Do you remember about the time they were married?
A No, sir, I don't.
Q Has it been a good many years ago? A Yes, sir.
Q He says he married her in 1876 about 25 or 6 years ago; is that about right? A Yes, sir.
Q Well, how long did they live together as husband and wife?
A Six or seven months.
Q Where were they living, near Vian? A Yes, sir.
Q Well, were you there when they separated? A No, sir.
Q Which did the leaving? A Teague.
Q Where did he go, from when he left your sisters?
A I don't know where he went.
Q Didn't you hear of him any more? A No, sir.
Q Just picked up and left the place? A Yes, sir.
Q Did he stop in the neighborhood or not, or did he go out of the neighborhood? A He left there.

- Q Left there entirely? A Yes, sir.
Q Lived with her about six months? A Yes, sir.
Q Don't you know where he went to? A No, sir.
Q Never saw him since? A Yes, sir, I have saw him since.
Q When did you see him? A About a year ago.
Q Well, now, up to a year ago did you ever see him? A No, sir.
Q You know what made him leave her? A No, sir.
Q Did he leave your sister down there where they were living?
A She was at my brothers.
Q And you don't know where he went to? A No, sir.
Q Where were you living at that time; at the time they separated,
you said you have been living with them? A Yes, sir.
Q Were you making that your home then? A Yes, sir.
Q But you wasn't there the day he went off were you?
A Not when he left her.
Q But you were making that your home? A Yes, sir.
Q You don't know where he went to? A No, sir.
Q And you never saw him until about a year ago? A No, sir.
Q He left the neighborhood down there? A Yes, sir.
COMMISSION:
Q How old did you say you were? A About 34.
Q Were you actually living with this Joseph A. Teague and your
sister when they separated; were you making that your home, were
you living there? A Yes, sir.
Q Were your father and mother living at that time? A No, sir.
Q Now, you stated a while ago that your sister was at her brother's
house when your sister's husband went away, how long had she been
there? A She just went over there a little while.
Q Was she on a visit there? A Yes, sir.
Q When she came back to her home was Teague gone then? A Yes,
sir.
Q You don't know of your own knowledge why they separated do you?
A No, sir.
Q You don't know when they separated A No, sir.
Q Did he ever come back and live with your sister after that,
that you know of? A No, sir.
Q You don't know anything about the separation at all, whether they
had any trouble before? A No, sir.
Q You were about eight years old at that time; were you very small
girl? A Yes, sir.

Commission: In view of the fact that the applicant has been called and duly notified that this case would be taken up for final consideration on the 6th day of March, 1902, and having failed to appear, it is directed that the case be closed and that the same be reported to the Commission for a final decision based upon the evidence now of record.

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I, J. O. Roshon, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Roshon
Stenographer.

TO THE HONORABLE SECRETARY OF THE INTERIOR
WASHINGTON, D. C.
SIR:
I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the application of the Five Civilized Tribes for a lease of land in the Cherokee Nation, Oklahoma Territory, for the purpose of establishing a permanent home for the Five Civilized Tribes.
The Department has the honor to inform you that the application of the Five Civilized Tribes for a lease of land in the Cherokee Nation, Oklahoma Territory, for the purpose of establishing a permanent home for the Five Civilized Tribes, has been referred to the Commission on the Five Civilized Tribes for their consideration.
Very respectfully,
[Signature]
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 12 1902

TO THE HONORABLE SECRETARY OF THE INTERIOR
WASHINGTON, D. C.
SIR:
I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the application of the Five Civilized Tribes for a lease of land in the Cherokee Nation, Oklahoma Territory, for the purpose of establishing a permanent home for the Five Civilized Tribes.
The Department has the honor to inform you that the application of the Five Civilized Tribes for a lease of land in the Cherokee Nation, Oklahoma Territory, for the purpose of establishing a permanent home for the Five Civilized Tribes, has been referred to the Commission on the Five Civilized Tribes for their consideration.
Very respectfully,
[Signature]
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joseph A. Teague for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on October 22, 1900, Joseph A. Teague appeared before the Commission at Claremore, Indian Territory, and made personal application for his enrollment as a citizen by intermarriage of the Cherokee Nation. On March 6, 1902, before the Commission, at its office in Muskogee, Indian Territory, the Cherokee Nation, upon due notice to the applicant, submitted further evidence relative to this application.

The evidence shows that Joseph A. Teague was lawfully married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation, on December 22, 1876, to Nancy Searewater, a citizen by blood of the Cherokee Nation. It appears that he lived with his said wife about seven months and then abandoned her. He is not identified upon any of the Cherokee tribal rolls.

Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws." Section 667 of the Compiled Laws of the Cherokee Nation (1892) is, as follows:

"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

It is, therefore, the opinion of this Commission that the application for the enrollment of Joseph A. Teague as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

[Signature]
Acting Chairman.

[Signature]
Commissioner.

[Signature]
Commissioner.

Dated at Muskogee, Indian Territory,

this _____

Cher
Sapp'l to D 663.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 31, 1902.

In the matter of the application of JOSEPH A. TEAGUE, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

EMMA TERRELL, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A Emma Terrall.
Q How old are you ? A About thirty two years old.
Q Are you a citizen by blood of the Cherokee Nation ? X
A Yes sir.
Q Do you know Joseph A. Teague, who is an applicant for enrollment?
A Yes sir.
Q Is he a white man ? A Yes sir.
Q What was his wife's name ? A Nan Seacewater.
Q Was his wife Nan Seacewater a citizen by blood of the Cherokee Nation ? A Yes sir.
Q Do you know anything about his marriage to his wife ?
A No sir.
Q Are you any relation to his wife ? A None.
Q Did you know Joseph A. Teague and his wife Nan when they were living together ? A Yes sir.
Q How long, do you know, did they live together after they were married ? A Why I don't know just how long.
Q How old were you at that time ? A I don't know.
Q Did he and his wife finally separate ? A Yes sir.
Q Do you remember when they separated ? A Yes sir.
Q Where were you living when they separated ?
A We were living about three miles from them.
Q How long has it been since they separated ?
A I don't know.
Q About how long ? A I don't know; I don't have no idea, but I guess its been over twenty years.
Q About how old were you when they separated ?
A I don't know how old I was.
Q Do you remember very distinctly when they separated ?
A I remember very distinctly when he went off and never did come back, I was staying there then.
Q At the house with her ? A Yes sir.
Q Were you eight or ten years old ?
A No sir, I wasn't that old.
Q Yet you remember he said he was going away ? A Yes sir.
Q Where did he say he was going ? A I don't know.
Q Did you hear him and his wife have any trouble while you were there ? A No sir.
Q They seemed to get along nicely ? A Yes sir.
Q Did he just pick up and leave the house ?
A He went away horse-back.
Q Did he say anything to her about going away before he left ?
A I don't know anything about that.
Q How long did she live there after they separated ?
A I don't remember; we lived there as long as we had anything to live on, and after the provisions were all out we went up to my father's and stayed there.
Q You were no relation of hers ? A No sir, only a neighbor.
Q And when the provisions ran out she went up and stayed at your father's ? A Yes sir, and then went to her mother's.

Q How long before she died ? A I don't know.
Q She has been dead a great many years hasn't she ?
A I don't know how long she has been dead. She's been dead a good while.
Q Do you want us to understand at this time that you, a girl, less than ten years old, remember distinctly of his riding off and leaving his wife ? A And never coming back; yes sir.
Q Did you ever hear of his coming back to her after he went off that time ? A He come back to the country, but I don't know whether he ever saw her any more.
Q Did he ever live with her any more ? A No sir.
Q He never did ? A No sir.
Q You didn't hear him say why he left ? A No sir.
Q How long was he gone before he come back to the country ?
A I don't know; I never knew anything about them after that.

Examined by J. C. Starr:

Q You were staying at the house when he left ? A Yes sir.
Q You knew he went off and left Mrs. Teague ? A Yes sir.
Q You know that she didn't go off with another man ?
A No sir, there was no one else on the place but us.
Q Did you know a Mr. Kyle ? A No sir.
Q You know she didn't go off with Kyle instead of Teague leaving her ? A Yes sir.
Q How long did you stay there ? A I don't know; I know we stayed there until the provisions were out.
Q Do you remember anything she said about his leaving ?
A No sir.
Q Did she cry ? A Yes sir, she seemed like she was in lots of trouble. I seen her crying.

MARY C. WATERS, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Mary C. Waters.
Q How old are you ? A I am forty four.
Q You are a Cherokee citizen, are you ? A Yes sir.
Q Where do you live ? A I live at Vian.
Q Did you know Joseph A. Teague ? A Yes sir, I seen him once or twice.
Q Did you know his wife ? A Yes sir.
Q What was her name ? A Nan Scocewater.
Q Did you know them while they were living together as husband and wife ? A Yes sir.
Q How long after they were married did they live together ?
A About three or four months.
Q Then did they separate ? A Yes sir.
Q How near fif you live to them ?
A I declare I don't believe I can tell you, about three or four miles.
Q Did you visit with his wife occasionally ?
A She visited me pretty often.
Q You say they lived together three or four months ? A Yes sir.
Q What became of Teague after they separated ?
A I don't know sir, I never did hear of him any more after he left.
Q Do you know anything about the cause of the separation ?
A No sir, I don't know a thing on earth about it.
Q When a he left what did his wife do ?
A She went to her mother's.
Q How long after he left ? A I don't believe I can tell you that. About a week or two; she come to my house, her and her brother, on

her way to her mother's, and she told me while she was there that her husband had left her, and she didn't know for what cause.

Q Did he go away and leave her on the place? A Yes sir.

Q Did you ever see her on the place after he left her?

A I never did go to her place.

Q When you saw her she told you that her husband had left her?

A Yes sir.

Q How long before you heard anything of Teague?

A I never did hear anything of him any more until here lately.

Until he began to try to fix his rights.

Q Did you see her frequently after this? A Yes sir, I was acquainted with her well, and we were girls together, she married three weeks before I did.

Q Do you know whether or not after she came to your house and told you her husband had left her, do you know whether or not he ever lived with her any more?

A He never did; he never saw the face of that woman again.

Q You don't know of he ever wrote to her?

A She never did get a scratch of the pen from that man, for she talked to me about it frequently, and she cried and wondered why he left her.

Examined by J. C. Starr:

Q Could Mrs. Teague read? A Yes sir.

Q Could she write? A Yes sir, a little.

Q You say Mr. Teague went off and left her at home where they were living? A Right at home.

Q You are sure he went off? A That's what she told me.

Q Did you know a man named Kyle? A I knew him well.

Q Did she go off with him? A No sir.

Q If Mr. Teague testified she went off with Kyle, he was mistaken?

A Yes sir, he is badly mistaken.

Q You know she never went off with any other man?

A She never went off with no man.

By the Commission:

Q How long has Nan Teague been dead? A Eight years.

Q How long after this separation from Teague did she die?

A It might have been four or five years, I don't know just exactly.

Q And you are sure and positive that during the time she was alive Teague never made any effort to get her to live with him?

A No sir, he never, for I would have knew it if he had. The last time I was with her she told me she never had heard a word from him.

GEORGE WATERS, called as a witness, being duly sworn and examined, testified as follows:

Examined by J. C. Starr:

Q What is your name? A George Waters.

Q What is your age? A About fifty four.

Q What is your post office address? A Vian.

Q Did you know Nan Seacewater during her lifetime? A Yes sir

Q Did you know a man named Joseph A. Teague?

A Yes sir, I knew him.

Q Did you know them while they were living together as husband and wife? A Yes sir, they lived together a while.

- Q Do you know what became of Teague ? A No sir, we never did know what became of him until this case came up.
- Q Did he leave this woman or did she leave him ?
- A The understanding was that he abandoned her.
- Q Just picked up and left ? A Picked up and left.
- Q Where was he living at the time he left ?
- A In the bottom on the Rogers place.
- Q What became of Nan after he left ?
- A She kept house a little while, and then she moved over to her mother's, to the old place where she come from with her brothers and sisters.
- Q Did she continue to live in that country until she died ?
- A Yes sir.
- Q Teague never did come back in her lifetime ? A No sir.
- Q Did you know a man named Kyle ?
- A I knowed him well, yes sir.
- Q Did she ever run off with a man named Kyle ?
- A There never was such a report in that country.
- Q You know that Teague left her and not her him ? A Yes sir.

By the Commission:

- Q How long did Teague and his wife live together after they were married ? A It's pretty hard to say.
- Q What is your judgment ? A I suppose it was about, it might have been six months or it might have been three months. A body can't really say.
- Q Did he go off and leave the country ? A Yes sir.
- Q How did his wife stay there on the place ?
- A If he had ever come back we would have knowed something about it, but we never heard of him any more until this case come here. It surprised me to know that he was living.
- Q Did his wife stay there at the place where they were living after he went away and left her ?
- A Yes sir, she stayed there, and also at my house a while.
- Q How long did she stay on that place where they were living when he left ? A I can't say and be positive.
- Q How long is your judgment ? A Probably two or three weeks.
- Q She left there and came down to your house ?
- A No sir, she went to her mother's, but she worked out at places, and my wife hired her.
- Q That was sometime after he had gone away ? A Oh yes sir.
- Q Up to the time of her death Teague never had shown up ?
- A No sir, if he was in that country I don't know it. Of course he might have been there but I don't know it.
- Q You know as a matter of fact that he and his wife never lived together after that ? A No sir, they never lived together again.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this November 4, 1902.

E. C. Bagwell
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joseph A. Teague for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 22, 1900, Joseph A. Teague appeared before the Commission at Claremore, Indian Territory, and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation. On March 8, 1902, before the Commission at its offices at Muskogee, Indian Territory, the Cherokee Nation, upon due notice to the applicant, submitted further evidence relative to this application. On July 29, 1902, the Commission rendered a decision in the matter of said application and transmitted the same to the Secretary of the Interior for his approval. Said decision was not approved but on September 25, 1902, the Secretary of the Interior remanded the record herein for further investigation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 31, 1902.

The evidence shows that Joseph A. Teague was lawfully married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation, on December 22, 1876, to Nancy Scarcewater, a citizen by blood of the Cherokee Nation. It appears that he lived with his said wife about seven months following their marriage. He is not identified on any of the Cherokee tribal rolls. In its decision of July 29, 1902, the Commission found that the said Joseph A. Teague abandoned his wife, Nancy Teague nee Scarcewater, through whom he claims the right to enrollment as an intermarried citizen of the Cherokee Nation, and the evidence offered on October 31, 1902, appears to confirm that finding.

Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 667 of the Compiled Laws of the Cherokee Nation (1892), is as follows:

"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

The Commission is of the opinion that Joseph A. Teague abandoned his said wife within the meaning of the provision of Cherokee laws above quoted, and that his application for enrollment as a

-2-

citizen by intermarriage of the Cherokee Nation should therefore be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tamc Dixby.

Acting Chairman.

T. D. Needles.

Commissioner.

C. H. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

this DEC 10 1902

ATTORNEYS:

L. B. BELL,

W. W. HASTINGS,

JAMES S. DAVENPORT.

J. O. STARR, SEC.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this No. **A. D. 663.**

DEAR TOOSEY:

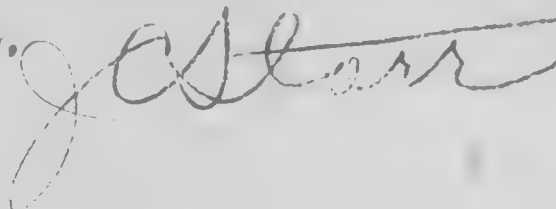
Mr. Teague, I. T.

JAN 21 1902

Will you kindly advise us the present post office address of J. A. Teague and also if you knew the name of the man Kyle who Teague said ran away with his wife and also where he lives. If we could find Kyle and he would testify we would send for him.

Also advise me who would likely know anything of the Separation of Teague from his wife.

Yours truly,



ATTORNEYS:

L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAVES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number: F. D. **C. D. 663.**

Mrs Susan Hewland,
Wash Bennett I. T.

Muskogee, I. T. JAN 24 1902

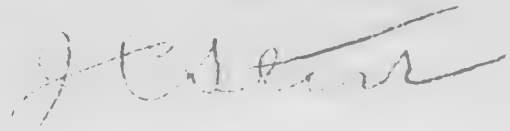
Dear Aunt:

There is a man who has applied to the Daves Commission for enrollment by the name of Joseph A Teague (Or it is pronounced Tagg) who claims to have married Nancy Searceewater, a Cherokee Indian of Illinois District on December 18, 1876. This man testified that he lived with this woman about seven months and that on account of some division of some of her property she quit Teague and run off with a man by the name of Kyle.

Sister Minnie told me that Aunt Joe was up there at Claremore and Teague was staying with Minnie and Reese and that as soon as Aunt Joe saw him she knew and told him that he was the white man that married Nancy Searceewater and run off and left her; and took her pony with him; if this be true you knew that Teague is not entitled to be enrolled as a citizen of the Cherokee Nation.

On account of the condition of Aunt Joe's mind she would not make a good witness for us and we would like to get some testimony if possible to show that Teague married this woman and then run off and left her. Do you know any man by the name of Kyle down there; if so give us his post office address.

Yours truly,



CD 663

'JAN 24 1902

ATTORNEYS:
L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT,
J. C. STARR, SEC.

OFFICE OF
ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDOM ENROLLMENT.

Please return this letter with your reply or mention this Number: F. D. 663.

Muskogee, I. T., Jan. 24, 1902.

Mr. John L. Brown,

Webbers Falls, I. T.

Dear Sir:

Fragnie
Joseph A. ~~Fragnie~~ whose age is 76 applied at Claremore in October, 1900 as a citizen by inter-marriage and stated that he had married in 1876 one Nancy Scarcewater he states that he only lived with her about seven months and I am advised that he ~~only~~ went off and left her; he is on no roll and I do not think stands a very good chance to be admitted, but I thought it best that we took no chances about it, that in as much as he formerly lived down in your section of the country that you would perhaps know something about the cause of the separation, and if you did not know personally that perhaps you could refer us to some one that did.

I wish you would make some investigation about this and write me the real cause of the separation and the witnesses by whom the same may be ~~proven~~ proved.

Yours very truly,

W. W. Hastings

Attorney for the Cherokee Nation.

ATTORNEYS:
L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF
ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number **A. D. 443.**

Muskogee I. T. January 29th 1902.

Mrs. Elizabeth Drum,
Campbell I. T.

Dear Aunt:

A man by the name of Joseph A Teague (Or Tagg)
who age is 76 years applied at Claremore to the Dawes Commission for
enrollment in Oct 1900 as a citizen by intermarriage and stated that he
had married in 1876 to one Nancy Serarsewater he states that he only
lived with her about seven months and we are advised that he went off and
left her; he is not on any roll and we think he does not stand a good
chance for enrollment and in as much as he formerly lived down in your
section of the country you would perhaps know something of the cause of
separation, and if you did not know personally you could per haps refer us
to some one who did.

I wish you would write us what you knew about their separation.
Teague was a watch tinker and you no doubt will remember him.

Yours very truly,

J. C. Starr

Campbell I. T.
Feb. 7/1902.

Mr. J. C. Starr.

Dear nephew.
yes he went off and
left her where she was
in the bed sick and
I never knew when
he came back. I
don't think he has
a right to swell.
next time you write
please let me know how
you folks are getting
along I would be
glad to hear from
them any time.

I hope this little
will help you some.
your friend
J. E. Drumm.

J. A. League

©. D. 663

663

McKen

1871

1871

1871

From W.W. Haden on request
of John Williams on relation from evidence in
the case of George A. Haden who is a Clementine
by marriage of Mary A. Haden. The very
low old citizen has around him that lived here in the neigh-
hood at the time of the murder and execution. The owner of
E. E. Haden of the same place at the time of the murder, none at
that time. George W. Haden and E. E. Haden was living in the neighborhood
at that time. L. D. Chamberlain

NOTICE!

IN THE MATTER OF the application of Joseph A. Teague,
for enrollment as Cherokee citizens:
Case No. D 663

To Joseph A. Teague,

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on March 6th 1902 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Feb 17th 1902.

W. W. Hastings
Attorneys for the Cherokee Nation.

C D. 663

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of A. D. 190....

Given under my hand this
day of A. D. 190....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of, 190....

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to *Joseph*

A. Desquar
on the *17* day of *February* A. D. 190*2*

Subscribed and sworn to before me
this

Notary Public.

ATTORNEYS:

L. B. BELL,

W. W. HASTINGS,

JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number: F D

Muskogee, I. T., Feb. 12, 1902.

Mr. W. T. Moss,

Vian, I. T.

Dear Sir:

Enclosed herewith find subpoena which please serve on Mary O. McConnell, at Vian., and return the same to us at once, and advise us if she will be present on the date named in the subpoena.

Yours truly,

Attorney for Cherokee Nation.

SUBPOENA.

INDIAN TERRITORY, }

Cherokee Nation. }

TO THE MARSHAL FOR THE CHEROKEE NATION.

You are Commanded in the Name of the Cherokee Nation, by authority of an act of the National Council of the Cherokee Nation, approved by the President Dec. 28th, 1900, entitled: "An Act providing for the representation of the Cherokee Nation before the United States Commission in making a roll of the colored citizens of the Cherokee Nation," to summons.....

Wm. D. Haskins, Esq., Vicksburg, Miss.

to be and appear before the United States Commission at..... I. T.,

in..... District on the..... day of

March 1901, then and there to give evidence in such contested citizenship cases

as the Attorneys for the Cherokee Nation may desire.

Given from under..... hand..... this the 14th day of February, 1901.

W. W. Haskins

Attorneys for the Cherokee Nation.

MARSHAL'S RETURN.

INDIAN TERRITORY,
Cherokee Nation.

SS.

I HEREBY CERTIFY That I received the within summons on the 20 day
of February 1901, and that I served the same by copy, as follows:

Personally on Mary C. McConnell at Residence this 21 day of Feb 1901

Personally on _____ at _____ this _____ day of _____ 1901

Personally on _____ at _____ this _____ day of _____ 1901

At residence of _____ at _____ this _____ day of March 1901

At residence of _____ at _____ this _____ day of _____ 1901

At residence of _____ at _____ this _____ day of _____ 1901

With a member of witness's family over fifteen years of age there residing.

W. T. Moss,

Marshal for the Cherokee Nation.

28663

Wm. J. Star
Feb 21st, 1902

Mr. J. B. Star

Dear Sir

Yours of
the 18th inst. received yesterday
I served the same today
Misses husband
said she would not go
unless an attachment was
sent for her.

Yours truly
W. J. Moore.

Vian J'

Feb 26 1902

Mr J 6 Star

Dear Sir

Yours received

This morning I went out to
Mrs McCormick and I read you
till late. Then she said
she would be there at the
late named. I said she
would expect to be used
on that day so she could
return it once.

Yours truly
W. J. Moore

R. B. CARLILE

DEALER IN

General Merchandise and Live Stock

219

Illinois Station, I. T. Mar 1 1902

(Campbell P. O.)

J C Allen
Hon. ~~Wm. H. Hastings~~

Muscogee, I. T.

Dear Sir

I have hardly been able to get away from home this Winter and do not see how I can attend as witness before Dawes Com at the time stated. It might be that I could attend later when the weather gets so I can get out and I got a little stranger. I dont believe I know any thing of the party mentioned any way, only what I have heard

yours resptly

Elizabeth Drum

ew

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYERSWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 662.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 29, 1902.

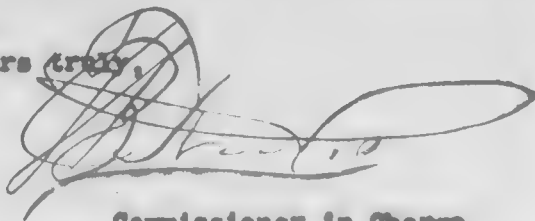
W. V. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Joseph A. Teague for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Commissioner in Charge.

Enc. C. No. 73.

247

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee 2-628.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Washago, Indian Territory, December 20, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Washago, Indian Territory.

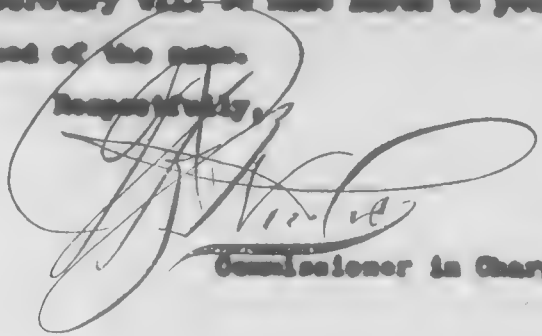
Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, rejecting the application of Joseph A. Teague for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Commissioner in Charge.

Enc. 2-301.

COMMISSIONERS
HENRY L. DAWES.
TAMM SIXBY.
THOMAS B. NEEDLES.
C. R. BRCKINRIDGE.

ALLISON A. LYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-663

Muskogee, Indian Territory, February 4, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision,
dated December 10, 1902, rejecting the application of Joseph A.
Teagus for the enrollment of himself as a citizen by intermarriage
of the Cherokee Nation, was affirmed by the Secretary of the
Interior on January 24, 1903.

Respectfully,

C. R. Brckinridge

Commissioner in Charge.

Acting Chairman.

Chambers

March 1880

Dear Sir

I have been thinking of you
and the work you are doing
and how much help you
could give to the
I don't know how much
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Yours truly
J. H. ...

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON I. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN FULLY TO THE FOLLOWING

Cherokee D 663.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 6, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of September 25, 1902, the Secretary of the Interior remanded the record of the proceedings, including the decision of the Commission, dated July 29, 1902, in the matter of the application of Joseph A. Teague for the enrollment of himself as a citizen of the Cherokee Nation, in order that additional testimony may be introduced, showing, beyond question, the facts relative to the separation of the applicant from his wife, and whether or not he abandoned her.

In accordance with said instructions, you are hereby notified that you will be given an opportunity to introduce such testimony as you desire at the office of the Commission, at Muskogee, Indian Territory, on Friday, October 31, 1902.

The applicant has this day been notified of the action of the Department.

Respectfully,



Acting Chairman.

Mary M^cConnell
Van St.

And to W. M. M. M.

ATTORNEYS:

L. B. BELL.

W. W. HASTINGS.

JAMES S. DAVENPORT.

C. STARR, SEC.

ATTORNEYS FOR CHEROKEE NATION

OFFICE OF

BEFORE THE DAVES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number: F. D.

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Geo Waters I - 2
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After 10 days, return to

MUSKOGEE, IND. T.



Handwritten address:
J. H. ...

Muskogee, I. T.

C D C

Q 663

IN THE MATTER OF THE APPLICATION OF

Joseph A. Tigue

FOR ENROLLMENT AS

CHEERLEADER

See William Thorndike

See William

See

See

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See

10. 66
Joseph A. League

A Original testimony (Oct 22 1900)

B Memo of application (Oct 22 1900)

C Marriage license certificate.

D Notice of final consideration 3/6/02

E Proof of service of notice 3/6/02

F Sub test & side closing test 3/6/02

Cancelled and transferred
to Church of Christ

Cher D 664

Cher D 664

Department of the Interior,
Bureau of the Mine Division, Trinidad,
Albuquerque, N.M., October 2, 1900.

In the event of the application of Zerk V, Hears for the on-
 er of the property and the children in the case of illness; being
 some of the most of the children in the case of illness; being
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[illegible]

1. James Earl Ray A. I was born in 1924.
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10. James Earl Ray A. I was born in 1924.

1	Dear Sir,
2	I have the honor to acknowledge the receipt of your letter of the 1st inst.
3	and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.
4	I am, Sir, very respectfully, Yours obedient servant,
5	J. H. [Signature]

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 6, 1902.

SUPPLEMENTAL in the matter of the enrollment of ZERA W. EVERS
ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 15, 1902, that her application for enrollment as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902. Receipt has been acknowledged of Commission's letter, and the applicant this day, to-wit: the 6th day of March, 1902, appears in person and by her attorney, A. M. Calloway, Claremore, Indian Territory.

Mr. W. W. Hastings, Cherokee Representatives, present.

Commission or Mr. Calloway: Is there any statement you desire to make relative to the case?

Mr. Calloway: Yes, sir. In the matter of the application of Zora W. Evers for enrollment of herself and her two children, Adrian B. and Jesse B. Evers, I desire to say that the applicant was taken from the Cherokee Nation when she was 15 years of age, and taken to the State of California for the benefit of her health, and remained in the State of California for the term of nine years and that in the year 1895 she was married to Edward C. Evers in California and remained there until 1897, during which time the husband of this applicant being a day laborer necessarily used this amount of time to enable him to return with his wife to the Cherokee Nation, her home; that the applicant considered and claimed all the time during her residence in California the Cherokee Nation as her home. She is a Cherokee Indian by blood, recognized as such among the North Carolina Cherokees and her and her mother were admitted to the Cherokee Nation in 1881 by the proper authorities of the Cherokee Nation as citizens of the Cherokee Nation by blood. They, her and her mother, being what is termed North Carolina Cherokee Indians; that she returned to the Indian Territory in 1897 and remained here until after the birth of her second child, Jesse B. Evers; that the said Jesse B. Evers, being in delicate health she returned to California with the child and her husband for the purpose of recuperating the health of Jesse B. Evers, her youngest child, and remained in California until about the month of September, 1900; that she returned to the Cherokee Nation, her child having recovered its health, leaving her husband, Edward Evers, in California, who refused and failed to come and make his home in the Cherokee Nation and has since remained away and from his actions leads this applicant to believe that he has abandoned her, and has refused to return to the Cherokee Nation, this applicant not having heard from her husband since the month of July, 1901. During all the time she remained in California both first and last recognized and claimed the Cherokee Nation as her home.

Mr. Hastings: The Cherokee Nation desires to call attention to the above remarkable statement made by the Attorney in this case, inasmuch as he has recited a great deal of testimony that does not appear of evidence in this case; he tells of the reasons of going to California and returning and of the last return and of the husband

remaining there, and there is no testimony whatever to rear out the assertion made by the Attorney for the applicant not under oath. In lieu of a brief to be filed in this case, the representative of the Cherokee Nation calls special attention to the judgment made by the examining Commissioner in this case which clearly and fairly states the questions involved in it.

Mr. Calloway: At the time the applicant made her statement in regard to her returning here didn't know the intention of her husband at the time to desert and absent himself from this plaintiff.

Commission: The attorney for the applicant and the representative of the Cherokee Nation present submit the case: The same is ordered closed and reported to the Commission for a final decision based upon the evidence now of record.

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I, J. O. Rosson, being do hereby certify that as Stenographer to the Commission to the Five Civilized I correctly recorded the proceedings had in this case on the above date, and that the above and foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson
Stenographer.

NOTES
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REPORTS
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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 25, 1902.

In the matter of the application of Zora W. Evers, for the enrollment of herself and her two children as citizens by blood of the Cherokee Nation:

Appearances:

Applicant present in person;
W. W. Hastings, for Cherokee Nation.

ZORA W. EVERS, the applicant, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A Zora W. Evers.
Q How old are you ? A I will soon be thirty.
Q What is your post office address ? A Claremore.
Q Where were you born ? A I was born in North Carolina.
Q When did you come to the Cherokee Nation ? A In 1881.
Q How long did you continue to reside in the Cherokee Nation after you came here in 1881 ? A Until I was sixteen.
Q Where did you go then ? A To California.
Q How long did you remain in California ?
A I remained there nearly ten years.
Q In what year did you come back to the Cherokee Nation ?
A In 1897—in August.
Q How old were you when you came back ? A About 25.
Q Where were you married ? A In California.
Q What was the name of your husband ? A Edward C. Evers.
Q Are you living with him at the present time ? A No sir.
Q When did you separate ? A Well, I haven't seen him for two years.
Q Were you separated before you left California ? A No sir.
Q Were you living together when you left there ? A Yes sir.
Q Where was your oldest child born ? A In California.
Q Where was the other one born ? A In Claremore.
Q Who took you to California ? A My aunt.
Q Where is she now ? A She's here.
Q Where does she live ? A At Claremore; three miles from Claremore.
Q How long did she remain in California ? A Six years.
Q She left there before you did ? A She came back here, yes sir.
Q After you were fifteen years old to the time you returned to the Cherokee Nation the last time, had you ever been here ?
A No sir I had never been here until 1897.
Q How long did you live in the Cherokee Nation after you came here in 1881 ? A From the time I was nine years old until I was fifteen.
Q Where were your parents living at that time ?
A My mother was living in the Cherokee Nation.
Q Is your mother living now ? A Yes sir.
Q Where does she live ? A At Claremore.
Q Did she go to California when you went ? A No sir.
Q Has she ever left the Cherokee Nation since she came here ?
A No sir.
Q Where have you been living since 1897 ? A I have been living at Claremore most of the time, and then I went to California for my little boy's health, and stayed there four months, and then came back here, and went there two years ago just about now.
Q Did you live with your husband when you went back ? A Yes sir.
Q Have you ever been divorced from your husband ? A No sir.
Q Does he contribute anything to the support of your children ?
A No sir, he hasn't for a year.

- Q Did he contribute anything after you left California ?
 A Yes sir, about enough to maintain us.
 Q Is he living out there at the present time ?
 A I don't know where he is.
 Q When did you last hear from him ?
 A It will soon be a year, it will be a year in July.

Examined by Mr. Hastings:

- Q What year were you married ? A 1895.

By the Commission: Does your aunt know anything about your residence ? A She is the one that took me to California.

 JOSEPHINE LAVE, called as a witness in behalf of applicant, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A Josephine Lave.
 Q Where do you live ? A Three miles from Claremore.
 Q Are you acquainted with the applicant in this case Zera W. Sears?
 A Yes sir.
 Q How long have you known her ? A I mostly raised her.
 Q When did she come to the Cherokee Nation ? A When did she first come here ?
 Q Yes. A I think it was about twenty one years ago.
 Q How long did she continue to live in the Cherokee Nation after she came ? A She lived here until 1887, then went to California.
 Q How long did she continue to live in California ?
 A Well we lived there six years and I can't tell how long she was there.
 Q Did she stay there after you came away ? A Yes sir.
 Q About how many years ? A About two years.
 Q Did she marry out there ? A Yes sir.
 Q Was her husband living there at the time ? A Yes sir.
 Q Are she and her husband living together at this time ?
 A No sir.
 Q How long have they been separated ? A Two years.
 Q Did she ever go back to California after she left there ?
 A Yes sir she went there about two years ago, the 20th of June I think it was.
 Q Why did she go ? A One of her children, Jesse, was sick.
 Q Did you take her to California the first time she went ?
 A Yes sir, when she was fifteen.
 Q For what purpose did you leave the Cherokee Nation at that time ?
 A We had typhoid fever all of us. I first taken it and came very nearly losing my mind, and as quick as I got up my husband taken it, and I got so I could walk around and she taken it.
 Q The applicant in this case--was she down with the typhoid too ?
 A Yes sir. She was with me at that time. I wasn't close to where her mother was, and we decided to go to California, and I just taken her with us to California. We were all sick at that time.
 Q How long did your husband stay out in California ?
 A We stayed six years. He went in October and I didn't get off until March, I believe it was.
 Q Did this applicant have own any property in the Cherokee Nation before she left ? A Yes sir she had a place. My husband sold it since he got back here in the Cherokee Nation.
 Q What was done with the money ? A He give her part of it. Their places were joining.
 Q How old was she when you took her to California ? A Fifteen.

Q Does she own any property here now ?
 A Yes sir has got a place over near Collinsville.
 Q How long has she owned that place ? A She owned it before
 she went to California; going on three years now.
 Q You mean she owned it before she went to California the last
 time ? A Yes sir. The first place she had, you know, he taken
 her claim for it because she was a child, and he sold it when he
 sold his, it was joining together.
 Q Has she been living here continuously since she came from
 California the first time except this second visit ? A Yes sir.
 Q Has she been residing in your immediate vicinity since then ?
 A Yes sir.
 Q Do you know that she has not left the Cherokee Nation since then ?
 A No sir she has never been away from here.

H. C. Bagwell, on oath states that as stenographer to the
 Commission to the Five Civilized Tribes he correctly recorded the
 testimony and proceedings had in the above entitled cause, and that
 the foregoing is an accurate transcript of his stenographic notes
 thereof.

H. C. Bagwell.

Subscribed and sworn to before me this June 28, 1902.

J. R. Renter
 Notary Public.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE CIVILIZED TRIBES
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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Zora W. Evers, et al.,
for enrollment as citizens by blood of the Cherokee Nation.

---: D E C I S I O N :---

It appears from the record herein that on October 22, 1900, Zora W. Evers appeared before this Commission at Claremore, Indian Territory, and made personal application for the enrollment of herself and her two minor children, Adrian Briggs and Jesse Bushyhead Evers, as citizens by blood of the Cherokee Nation. Thereafter, on June 25, 1902, written application was made for the enrollment of Elmina E. Kessler, also a minor child of said Zora W. Evers. Additional proceedings were had in the matter of said application, at Muskogee, Indian Territory, on March 6, 1902, June 25, 1902 and December 23, 1904.

It appears from the evidence herein that the principal applicant, Zora W. Evers, is a North Carolina Cherokee, who removed to the Cherokee Nation, Indian Territory, on October 22, 1881, for the purpose of establishing her citizenship in the Cherokee Nation, under an Act of the Cherokee Council of December 3, 1860, and as such her name appears upon a roll of North Carolina Cherokee Indians who so removed. The evidence further shows that after her removal to Indian Territory, in 1881, she remained therein until 1887, when she abandoned her improvements in the Cherokee Nation and with all her personal effects removed to the state of California with her aunt, where she, in 1895, was married to Edward T. Evers, a citizen of the state of California. She continued to reside and make her home in said state until 1897, when she returned for the first time to the Cherokee Nation, where she, until her return to California in June 1900, temporarily resided. She again returned to the Cherokee Nation in October, 1900, since which time she has resided therein.

It appears from the records in the possession of the Commission that Zora W. Evers is identified upon the 1894 Cherokee Strip Payment Roll.

Section II, Article I of the Cherokee Constitution, in part provides:--

"... Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease."

The Commission is of the opinion that under the provision of the Cherokee Constitution above quoted, Zora W. Evers has forfeited her rights as a citizen by blood of the Cherokee Nation. The minor applicants being the children of said Zora W. Evers, their rights to enrollment as citizens by blood of the Cherokee Nation are dependent upon those of their mother.

It is therefore the opinion of this Commission that the application made for the enrollment of Zora W. Evers, Adrian Briggs

Evers, Jesse Bushyhead Evers and Elmina E. Kessler, as citizens by blood of the Cherokee Nation, should be denied under the provisions of Section twenty-one of the Act of Congress approved June 25, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). *Tams Bixby.*

Chairman.

(SIGNED). *T. B. Needles.*

Commissioner.

(SIGNED). *C. R. Breckinridge.*

Commissioner.

Muskogee, Indian Territory,

MAR 16 1905

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Nora W. Evers, et al., for enrollment as Citizens by blood of the Cherokee Nation.

MOTION FOR REHEARING.

Comes now the applicant and moves the Department to grant her a rehearing in this cause and for grounds for said rehearing says:

That her application for enrollment was denied under Section Two of Article One of the Cherokee Constitution which provides that "Whenever any Citizen shall remove with his effects out of the limits of this Nation, and become a citizen of another government, all of his rights and privileges as a Citizen of this Nation shall cease".

The applicant desires to introduce testimony to show that when she was out of the Cherokee Nation that she was out temporarily for the benefit of her health and that while she was out of said Nation she owned at all times valuable and permanent improvements in the Cherokee Nation, owning an improved place in the Cherokee Nation during all of the said time that her residence in the State of California was of a temporary nature and that she was there because of the condition of her health, and that ~~after~~ the condition of her health would so permit, she immediately returned to the Cherokee Nation to her Home.

There is hereto attached the affidavit of Walter Nave, and applicant desires at the rehearing to introduce Walter Nave and other witnesses by whom she expects to prove that she has never adjured her citizenship in the Cherokee Nation.

Stacy V. H. H. H.

ATTORNEY FOR APPLICANT.

UNITED STATES OF AMERICA,) .
INDIAN TERRITORY { SS.
WESTERN DISTRICT }

J. C. STARR, of lawful age, being first duly sworn, on his oath states that he is one of the Attorneys for the Applicants in the above entitled case and that this Motion is made in good faith, not for the purposes of delay but in order that justice may be done.

J. C. Starr

Subscribed and sworn to before me this 25th day of June, A. D., 1906.

Jessie Patten
NOTARY PUBLIC.

My commission expires December 16, 1909.



AFFIDAVIT.

UNITED STATES OF AMERICA, :
Indian Territory : ss.
Northern District :

Walter Nave, being first duly sworn, on his oath deposes and says: I know Zora Kessler, formerly Zora Evers; O took her to California with me in the year 1887, when she was 12 years of age. She is a Cherokee Indian by blood, and during the time she was in California, which was 8 years, she owned land in the Cherokee Nation. While in California she married a white man, Ed Evers, according to the United States Law, and they came to the Indian Territory to gether and were married again according to the Cherokee law. They separated and she afterwards married Joe Kessler, another white man; with whom she is now living. While she was in California I held an improved place here in her name; her mother also held improvements in the Cherokee Nation for her.

WALTER NAVE

Subscribed and sworn to before me
this 23rd day of June, 1906.

Joe Chambers
Notary Public.

(SEal)

My commission expires April 13, 1908.

STARR & PATTER,

ATTORNEYS FOR APPLICANT,

VINITA, I. T.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the motion for a rehearing of the application for the enrollment of Zora W. Ewers, or al., as citizens by blood of the Cherokee Nation.

Reply of the Cherokee Nation.

Comes now attorney for the Cherokee Nation and moves to dismiss the motion for a rehearing in this case, for the reasons that it purports to have been sworn to by J. C. Starr before Jessie Patten on the 25th day of June, 1906, whereas the testimony taken in the case of Mary Sanders, F. R. 58, a copy of which is attached herewith, shows that on the 25th day of June, 1906, both Jessie Patten and J. C. Starr were in Vinita, Northern District, Indian Territory, and that said Jessie Patten was not a Notary within and for the Northern District, but of the Western District, and was therefore without her jurisdiction, the Northern District being the District within which Vinita is located.

Without waiving this motion, but insisting on the same, we submit that the decision of the Commission dated March 16, 1906, rejecting the applicants, which was affirmed by the Secretary of the Interior on June 13, 1906, should not be disturbed.

The decision of the Commission to the Five Civilized Tribes states the facts fairly as follows:

"It appears from the evidence herein that the principal applicant, Zora W. Ewers is a North Carolina Cherokee who removed to the Cherokee Nation, Indian Territory, on October 22, 1881, for the purpose of establishing her citizenship in the Cherokee Nation under an Act of the Cherokee National Council of December 3, 1880, and as such her name appears upon a roll of North Carolina Cherokee Indians who so removed. The evidence further shows that after her removal to the Indian Territory in 1881, she remained there until 1887, when she abandoned her improvements in the Cherokee Nation and with all her personal effects removed to the state of California with her aunt, where she in 1895 was married to Edward C. Ewers, a citizen of the State of California. She continued to reside and make her home in said state until 1897, when she returned for the first time to the Cherokee Nation, where she until her return to California in 1900 temporarily resided. She again returned to the Cherokee Nation in October, 1900, since which time she has resided herein."

The Commission to the Five Civilized Tribes rejected the applicant under section 2 Article 1 of the Cherokee Constitution which provides as follows:

"Whenever any citizen shall remove with his effects out of the limits of this Nation and becomes a citizen of any other government all his rights and privileges as a citizen of this Nation shall cease."

The decision was a correct one, but it might also have been based upon a second ground. From the testimony the principal applicant herein was born in North Carolina, came to the Cherokee Nation and was admitted by virtue of the Act of December 3, 1880, and placed upon the list of North Carolina Cherokees in 1881. This was equal to an admission by a Cherokee National Council or Cherokee Commission or any other tribunal having jurisdiction in such matters, and we submit therefore that the Commission might well have denied these applicants also under the Act of December 4, 1894, requiring them to remove to and permanently locate within the Cherokee Nation within six months from the approval of that act.

There is no reason set up in the motion why it should be granted. Every opportunity has been given the applicant. The case was continued from time to time and no decision was rendered until March 16, 1905, or four years and a half after the original application was made, and the record shows that the principal applicant first appeared on October 22, 1900, and again on June 25, 1902, with the witness Josephine Lave, and on March 6, 1902, her attorney, Mr. Callaway, appeared and made a statement and these applicants were rejected upon the testimony introduced by the applicants themselves.

We desire to invite attention to the fact that she was about 24 or 25 years of age when she returned in 1897, that she was married in California, and that her husband continued to live there and was living there when she made application in 1900, and that under the decision of the Department in the Lydia Buffington case, Cherokee R. 207, her residence followed that of her husband, who was a citizen and resident of the State of California.

As above observed we submit there is nothing in the affidavit of Walter Lave attached hereto not theretofore stated in the testimony, and there is no reason set forth in the motion for the rehearing why it should be allowed, and we therefore respectfully submit that it should be denied.

Respectfully submitted,

7-76-00.
W. W. Hastings
Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the motion for a rehearing of the application for the enrollment of Zora V. Ivers as ~~Cherokee~~ Cherokee Nation, C.D. 664.
Motion to Strike from the Records filed by Attorneys for Applicants on August 2, 1906.

The record in this case shows that an alleged motion to reopen was signed by Starr & Patten as attorneys for applicants, that they attempted to swear to the same before Jessie Patten, signing herself as a Notary Public on the 25th day of June, 1906, that said motion did not state upon its face where the said J. C. Starr of the firm of Starr & Patten, was when he attempted to swear to the same, nor where the said Jessie Patten was when she attempted to swear the said J. C. Starr to said alleged motion to reopen, and this information being peculiarly within the knowledge of the said J. C. Starr and Guy Patten and their stenographer and Notary, Jessie Patten, on July 7, 1906, a motion for a rule on the attorneys for applicants was made before the Commissioner to the Five Civilized Tribes, service having been accepted by Guy Patten of the firm of Starr & Patten, asking them to appear before the Commissioner on the 12th day of July, 1906, and give information as to their whereabouts on the 13th day of June, 1906, and the 25th day of June, 1906, and as to whether or not Jessie Patten was a Notary public within and for the Northern District of the Indian Territory, upon either of those dates, or upon any date previous to June 25, 1906. Said motion for rule was in words and figures as follows-to-wit:

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the alleged motion for a rehearing of the application for the enrollment of Mary Sanders, W. N. 38, and James Scott, et al F. D. 157, as Cherokee freedmen.

Motion for Rule on Attorneys for Applicants.

Comes now W. W. Hastings, attorney for the Cherokee Nation, and respectfully shows to the Commissioner to the Five Civilized Tribes that an alleged copy of a motion for a rehearing in the above entitled Cherokee freedmen cases was received by him on the 18th day of June, 1906; that said motion was signed by the firm of Starr & Patten as attorneys for applicants, said firm being composed of J. C. Starr and Guy Patten,

both of Vinita, Northern District, Indian Territory; that said motion was alleged to have been sworn to by J. C. Starr on the 13th day of June, 1906, before Jessie Patten, Notary Public, that the jurat does not state where said J. C. Starr was when said oath was alleged to have been made. Attached to the alleged motion are copies of what purport to be affidavits made by Eliza Tucker and Chloa Foreman in support of said motion alleged to have been subscribed and sworn to before Jessie Patten, Notary Public on the 13th day of June, 1906. It is further represented to the Commissioner to the Five Civilized Tribes that your petitioner, W. V. Hastings, attorney for the Cherokee Nation, is reliably informed and believes, and so believing, charges that J. C. Starr was in the town of Vinita, Northern District, Indian Territory, on the 13th day of June, 1906, and that Jessie Patten, claiming to be a Notary Public, was also in Vinita, Northern District, Indian Territory, when she attempted to swear the said J. C. Starr to the alleged motion filed herein, and not in the Western District, Indian Territory, and that both Eliza Tucker and Chloa Foreman were at Vinita, Indian Territory, Northern District, on the same date, and not in the Western District, Indian Territory, when the said Jessie Patten attempted to swear each of said affiants to the affidavits attached to the motion and in support of the information, knowledge and belief which your petitioner has to the effect that all of said parties were at Vinita, Northern District, Indian Territory, and not in the Western District, Indian Territory, on the 13th day of June, 1906, there is hereto appended an affidavit made by the said Chloa Foreman in which it is recited that the affidavit hereinabove referred to was made at Vinita, Northern District, Indian Territory.

Your petitioner further alleges that this same firm of attorneys served and purport to be copies of motions in numerous cases upon your petitioner on the 25th day of June, 1906, that all of said motions are alleged to have been sworn to before the same Jessie Patten on the 13th day of June, 1906, and mailed from Vinita, Indian Territory, by registered mail on the morning of that day. Your petitioner states upon knowledge, information and belief, and so believing, charges that Jessie Patten was not a Notary Public of the Northern District of the Indian Territory on June 25, 1906, or any date previous to that; that on June 25, 1906, she was at Vinita, Northern District, Indian Territory, as was J. C. Starr, and that her attempts to swear said J. C. Starr or any other witness to alleged motions for rehearing or affidavits, were null and void.

Your petitioner further alleges that the facts of the whereabouts of the said J. C. Starr and Guy Patten and the said Jessie Patten on the 13th day of June, 1906, and the 25th day of June, 1906, and as to whether or not the said Jessie Patten was a Notary Public within and for the Northern District of the Indian Territory upon either of those dates is peculiarly within their knowledge.

Wherefore, petitioner asks the Commissioner to the Five Civilized Tribes for a rule upon the said firm of Starr & Patten, composed of J. C. Starr & Guy Patten to appear before the Commissioner to the Five Civilized Tribes on the 15th day of July, 1906, and disclose to the Commissioner to the Five Civilized Tribes where they and each of them were on the 13th day of June, 1906, and the 25th day of June, 1906, and if they were within the limits of the Northern District of the Indian Territory, whether or not the said Jessie Patten was a Notary Public upon those dates within and for the Northern District of the Indian Territory.

W. V. Hastings,

Attorney for the Cherokee Nation.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,) ss.
WESTERN DISTRICT.)

W. V. Hastings, being first duly sworn states to me he is the attorney for the Cherokee Nation; that he knows facts set forth in the above motion are true as he verily believes; that he knows of his own personal knowledge that the firm of Starr & Patten, composed of J. C. Starr and Guy Patten, are residing and doing business at Vinita, Indian Territory, that he is informed and believes the other facts set forth in the above motion are true.

W. V. Hastings.

Subscribed and sworn to before me on this 5th day of July, 1906.
My C. . . 1-8-1911.

Edward B. Miller, Notary Public."

By referring to the aforesaid motion it will be seen that the attorney for the Cherokee Nation alleged that he was reliably informed, and being so informed, charged that both on the 13th day of June, 1906, and on the 25th day of June, 1906, J. C. Starr and Guy Patten, composed the firm of Starr & Patten, and were in the Town of Vinita, Northern District, Indian Territory, and not in the Western District, Indian Territory, and that the said Jessie Patten was also in said Town of Vinita, Northern District, Indian Territory, and not in the Western District, Indian Territory, and therefore not authorized to administer an oath in Vinita, Northern District, Indian Territory, and her attempt to administer the oath of J. C. Starr to the motions for rehearing were null and void, and the attorney for the Cherokee Nation further alleged that this knowledge being peculiarly within the information of the said Starr & Patten they were asked to appear upon that date and to give information as to their whereabouts and also as to the whereabouts of the said Jessie Patten and as to whether or not she was a Notary within and for the Northern District of the Indian Territory. The records further show that all three did appear and were sworn and J. C. Starr testified that he was 36 years of age and a member of the firm of Starr & Patten, and upon being asked:

"Q. Are you willing to state as to your whereabouts on June 25, 1906, and whether or not Jessie Patten is a Notary Public within the Northern District of the Indian Territory?" he answered, "I am."

"Q. Where were you on that date? A I was in Vinita, Indian Territory."

"Q. Were the affidavits referred to in the motion of the attorney for the Cherokee Nation signed by you at Vinita? A Yes sir."

"Q. Is Jessie Patten a Notary Public for the Northern District of the Indian Territory? A She is not; she is a Notary Public for the Western District of the Indian Territory."

"Q. Were the affidavits signed by you in the Northern District of the Indian Territory? A Yes sir."

He afterwards testified upon direct examination that Jessie Patten was a stenographer in his office and had been working there then about two months which would date it back to about the 15th of May, 1906.

Guy Patten took the stand and testified in substance to the same that J. C. Starr testified to.

Jessie Patten was called to the stand and she testified and was cross-examined by Mr. Patten. The result of the inquiry established that both on June 13th and June 25th, 1906, as well as other dates all three parties named, Starr & Patten and Jessie Patten, a Notary, were in Vinita,

Northern District, Indian Territory, and not in the Western District, where they attempted to have affidavits made before Jessie Patten as their Notary. These affidavits were taken at the instance and at the suggestion and by the direction of the said J. C. Starr & Guy Patten. Reference is made to the testimony which is attached to our reply brief in this case.

It is complained on behalf of the attorneys Starr & Patten in their motion to strike from the record the testimony attached to our reply brief that "it is attempted to inject the testimony from another case into this case for the purpose of creating a prejudice against the attorneys for applicants." We do not understand why such a charge would be made if no wrong had been committed, if they were entitled to be sworn at Vinita, if Jessie Patten were a Notary Public within and for the Northern District, then how could a prejudice be created against the attorneys for applicants. No prejudice can be created against attorneys by calling attention to legitimate practices, and if the practices are illegitimate it is our duty as the attorney for the Cherokee Nation and its representative, regardless of consequences, to invite the attention of the Commissioner to the five civilized Tribes and of the Department to it, and we being informed as we stated in our motion for a rule that the jurats not advising the Commissioner to the five civilized Tribes where the affidavits were taken that it was our duty to have the matter investigated to see whether or not they were really taken within the jurisdiction of the Notary Public, namely, within the Western District of the Indian Territory for which she was appointed. If these affidavits had really been taken within the Western District, certainly you would never have heard any protest from Starr & Patten now that prejudice was attempted to be created against them, because none could have been created against them. They cite the decision of the Department in the case of Catherine Wix, wherein the Department held that testimony should not be thrown from another case into that case, and they also cite the case of Payton Martin, F. D. 304, in which the Department held that the testimony of F. J. Clayton should not be thrown from another case into that one. But lets examine the cases a little more critically and see why the Department so

held. In the Payton Martin case the Department held:

"In this case it is apparent that the evidence of R. J. Clayton taken in another case and without opportunity of cross-examination by applicants' attorneys, is subject to the same criticism as the affidavits submitted by the applicants."

Note, will you, that the objection was that the attorneys for applicants were not given the opportunity to cross-examine R. J. Clayton and that was the objection urged by the Department to throwing the testimony of R. J. Clayton from some other case over into the Payton Martin case. But let's examine the motion before us. Not only did the firm of Starr & Patten have the opportunity to cross-examine the witnesses, J. C. Starr & Guy Patten and Jessie Patten on July 12, 1906, but they were the identical witnesses themselves and they were present themselves and therefore the objection that they were without opportunity to cross-examine themselves and to cross-examine Jessie Patten cannot be urged in this case, and that is the only objection that the Department had either in the Catherine Mix case or the Payton Martin case to the introduction of the testimony was that the attorneys were without opportunity to cross-examine the witnesses who gave the evidence which was thrown into that case. In other words, so far as that case was concerned it was ex parte and so far as those lawyers representing Catherine Mix and Payton Martin were concerned it was ex parte. But in this case J. C. Starr and Guy Patten are estopped by their own oaths from saying that they did not speak the truth, each of them practically swore to the same thing, and they are corroborated by Jessie Patten, namely, to the effect that each of them was in Vinita, on June 13th and June 25, 1906, when they attempted to make the affidavits to the several motions filed upon those respective dates. Why would it have been necessary to have taken their testimony in each separate case? They were notified in the motion for a rule that their whereabouts on those respective dates was desired and that that was going to be inquired into, and furthermore that it was going to be inquired into as to where Jessie Patten was and as to whether or not she at any time previous to June 25, 1906, was ever a Notary Public within and for the Northern District of the Indian Territory. The attorneys complain that the attorney

for the Cherokee Nation has jumped at the conclusion that these affidavits are void, that were attempted to be sworn to before a Notary Public appointed for the Western District, but sworn to in the Northern District of the Indian Territory. Certainly we urge that they were void, and we have filed a brief in the Mary Sanders case, setting up that fact, but we think really no brief was necessary to be filed, because the attorneys themselves practically admit that they were void by attempting to have them retaken in every single case; they admit that they were void by saying that we are attempting to create prejudice against them, because we could not create prejudice against them if their acts were legitimate; they admit that they were void because in their brief they cite an act of the Arkansas Legislature approved April 4, 1901, which extends the territorial jurisdiction of a Notary Public to the entire State, which shows that if the Notary had previous to that time had jurisdiction to administer an oath all over the State, although appointed for a single county, then there would have been no need of the Legislature of Arkansas passing the act approved April 4, 1901, and cited in counsel's brief. Not content however with our own conclusion we cited the case of *Commonwealth versus Schwieters*, decided by the Court of Appeals of Kentucky May 15, 1906, it being a case wherein the defendant was being tried for perjury, he having been sworn before a Notary Public who was outside the county for which he was appointed at the time he attempted to administer the oath, wherein the court held:

"If Clarence F. Walker was not a notary public in the City of Louisville then the defendant was not sworn before a notary public for the authority of a notary public is confined to the limits designated in the commission of the governor on making the appointment. He has no authority to act outside of these limits and anything done by him outside of them is done as a private person and not as a notary public.....If Walker was not then and there a notary public he was not sworn before a notary public, but before a private person.....The charge that the act was done before a notary public must mean that the person before whom it was done was then and there a notary public. An officer does not carry his official character with him beyond his bailiwick, but stands there only as a private person."

We submit, therefore, that the motion for a rule filed on July 7, 1906, citing the members of the firm of Starr & Patten on July 12, 1906, was sufficiently definite to apprise them that their whereabouts was going

to be inquired into up to and including June 25, 1906, and that they being present and they themselves being witnesses, with the opportunity to examine and cross-examine themselves and with the opportunity to cross-examine Jessie Patten, their own stenographer and notary, that they are estopped from complaining that this testimony was taken to their prejudice, because they were under oath, presumed to speak the truth, and the truth is not presumed to prejudice any one, and they having had opportunity to cross-examine themselves, and they being advised as to the intended scope of the examination, we submit that the motion to strike out in this case should be overruled, because the record shows that each of the alleged motions were attempted to be sworn to on June 25, 1906.

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

8-9-06

JCS

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Zora W. Evers, et al., for enrollment as citizens by blood of the Cherokee Nation.

B R I E F.

The testimony in this case shows that on October 22, 1900, Zora W. Evers made application to the Commission to the Five Civilized Tribes at Claremore, Indian Territory for the enrollment of herself and two children as citizens by blood of the Cherokee Nation. She was at that time twenty-eight years of age and claimed her right to be enrolled by virtue of the fact that her name appeared upon the roll of Cherokee Indians from North Carolina who removed to the Cherokee Nation October 22, 1881 and was at that time eight years of age and she came in under that class of citizens of the Cherokee Nation known as North Carolina Cherokees. It will be remembered that the Law required these people to register after they had removed to and permanently located in the Cherokee Nation; otherwise the certificate would not have been issued.

The Attorney for the Cherokee Nation seems to think that this applicant would come under the Provisions of the Act of the Cherokee National Council approved December 4, 1894 requiring persons who have been re-admitted or admitted to citizenship in the Cherokee Nation to remove to and permanently locate within the Cherokee Nation within six months from the approval of that Act, but this Act would not apply to this applicant for the reason that at the time of her admission as a North Carolina Cherokee the Record shows that the certificate was issued to her because she was then a resident of the Cherokee Nation in good faith, and the testimony in this case shows that the applicant has resided in the Cherokee Nation at all times since that time except when she was in California for the benefit of her health.

This Act of December 4, 1894 therefore would not apply to this applicant because when she came to the Cherokee Nation in 1881 and became an actual personal bona fide resident of the Cherokee Nation at

that time, she became a citizen of the Cherokee Nation with all of the rights and privileges of any other citizen of the Cherokee Nation who was living in the Cherokee Nation at that time and whose name appeared upon the 1880 Authenticated Roll and it is quite clear that the Act of December 4, 1894 could not be applied to cases of this kind. The only question involved in this case is 'Did the applicant abjure her citizenship in the Cherokee nation by going to the State of California for her health?'. There is no other question involved in this case and if a rehearing is granted we expect to prove that she owned valuable property in the Cherokee Nation during the time she was absent and this owning property in the Cherokee Nation, it can not be held that she abjured or forfeited her citizenship under Section 2, Article 1 of the Cherokee Constitution, which provides:- "Whenever any citizen shall remove with his effects out of the limits of this Nation, and become a citizen of another Government, all his rights and privileges as a citizen of this Nation shall cease". In the case of Joseph D.

Yeargain, et al., the Honorable Assistant Attorney General decided that the Yeargain Brothers were entitled to be enrolled as Cherokee Citizens. They went out of the Cherokee Nation in 1896 but left their farms and other valuable improvements in the Cherokee Nation. They voted in Missouri where they lived and also voted in the Cherokee Nation every chance he got. What difference then can there be in the case of Yeargain Brothers and the case of Zora W. Evers? She left her property in the Cherokee Nation and went to the State of California for her health. We do not see any difference between living two hundred feet across the State line outside of the Cherokee Nation and living one thousand miles away. They are both outside of the Cherokee Nation and are in another State. While it has been argued that Yeargain Brothers lived within a stone's throw of the Cherokee line, yet they were outside of the limits of the Cherokee Nation just as much as Zora W. Evers. It appears that Zora W. Evers was eight years of age when she was admitted in 1881 and she says when she went to California she was fifteen years of age and we presume she lived in the Cherokee Nation until 1888 and then she went to California for her health and it appears from the testimony that she returned to the Cherokee Nation four years before she testified which would make her return in the fall of 1896.

She then says that when she came back in 1896 she remained here for three years and went back to California in June, 1900 and remained in California at that time until about September, 1900 when she again returned to the Cherokee Nation and has lived in the Cherokee Nation ever since. On a rehearing the record will show that her husband refused to come to the Cherokee Nation and live with her and that therefore they separated and Zora W. Evers has lived in the Cherokee Nation continuously since September, 1900 and has since then married a man by the name of Joe Kessler and that her name is now Zora W. Kessler. It will be observed that on a rehearing of this case the applicant will prove by Walter Nave and others that during the time the applicant was in the State of California that she owned land in the Cherokee Nation Indian Territory and also other property. It appears that the testimony in this case is incomplete; that on October 22, 1900 the Commission did not go into this case and investigate the point involved as thoroughly as it might have done. The Attorney for the Cherokee

Nation says:-"We desire to invite attention to the fact that she was about twenty-four or twenty-five years of age when she returned in 1897, that she was married in California, and that her husband continued to live there and was living there when she made application in 1900, and that under the Decision of the Department in the Lydia Buffington case, Cherokee R. 207, her residence followed that of her husband, who was a resident of the State of California". We are unable

to see how the Attorney for the Cherokee Nation can reconcile the Decision of the Department in the Lydia Buffington case with the Decision of the Assistant Attorney General in the case of Clement G. Clarke et al., (Cherokee D. 171) which case is briefly stated in the Annual Reports of the Department of the Interior for the fiscal year ended

June 30, 1903, Indian Affairs, No. 2, page 23, to-wit:- "Clement G. Clarke was a white man and a resident of Connecticut. In 1891 he married, according to Cherokee Law, one Martha Cobb, a citizen by blood of the Cherokee Nation. Immediately after his marriage he went with his wife to the State of Connecticut, where he attended college. On graduating he entered the ministry and took charge of a church there. He never resided in the Cherokee Nation, but made his home in Connecticut and exercised the rights of citizenship in that State. His wife and children made their home with him. Mrs. Clarke, however, continued to own a farm, improvements, and personal property in the Cherokee Nation. The Commission denied their application for enrollment as members of the Cherokee Nation on the ground of nonresidence, holding that Clarke had never established a residence in said nation, and that the residence of his wife and children was that of the husband and father. This Decision was approved by the Secretary of the Interior as to Clement G. Clarke, but reversed as to his wife and children, the Department holding that by no act of hers had Mrs. Clarke abjured citizenship; that she had never voluntarily dissolved her relations with the Cherokee people, as indicated by the retention of ~~in~~ her tribal property, and

that the citizenship of the minor children was that of their mother".

It will be observed that in the Annual Reports of the Department of the Interior for the fiscal year ended June 30, 1903, pages 22 and

23, the following appears:- "The question as to forfeiture of citizenship by removal from and residence without the Nation, and what law governed the subject, was long a vexatious one, rendered more difficult of solution by the character of the evidence involved in the cases where it arose. It was at length practically settled by the decision of the Department in the cases of Scott A. Yeargain et al. (Cherokee, 6423), and Joseph D. Yeargain (Cherokee, D 937). The applicants in these cases were born within the Cherokee nation and duly enrolled upon the several tribal rolls. They had, however, in 1895 and 1896, respectively, removed to Southwest City, Mo., just beyond the border of the Cherokee nation. From that time to the date of their applications for enrollment they lived in Missouri and were residing there on June 28, 1898, the date of the passage of the Curtis Act. (Appendix No. 1, p. 62) Some of them had business interests in Missouri and voted at different elections in that State. They retained, however, the control of their tribal property and business interests in the Cherokee Nation and voted also at the Cherokee elections. The Commission decided that they were not bona fide residents of the Cherokee Nation on June 28, 1898, as contemplated by that portion of the Curtis Act which provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship--".

and therefore not entitled to enrollment. This decision was approved by the Secretary of the Interior, but the cases were afterwards reopened and submitted to the assistant attorney-general for the Department of the Interior, who held, in substance, that abandonment by a citizen of his domicile was a question of intention; that the matter of residence in the Cherokee nation was governed by the Cherokee constitution, which provides:

"Whenever any citizen shall remove with his effects out of the limits of this nation and become a citizen of any other government all his rights and privileges as a citizen of this nation shall cease --".

and that paragraph 11, section 21, of the Curtis Act, above quoted, was not applicable to the facts in these cases. Acting on this opinion of the assistant attorney-general, the Secretary of the Interior reversed the decision of the Commission and ordered that the applicants be enrolled."

The material question of law raised in this case by the Cherokee Nation is, that when Zora W. Evers, the applicant, married Mr. Evers, a citizen of California, her residence followed that of her husband, and that her husband's legal residence became her legal residence. That the residence of a wife, UPON MARRIAGE, becomes that of her husband, ordinarily we think ourselves in correct. We also think that it is correct that a person may reside for a time, or for several years at one place and at the same time be a citizen of another. The Representative of the Cherokee Nation has argued that at the time of this marriage the residence of the wife became that of the husband, and he seeks to show that the question sought to be argued was that she assumed his citizenship, we take it that he has intended to assume the position that Zora W. Evers/ the applicant herein, upon her marriage

to Mr. Evers by operation of law forfeited her citizenship of the Cherokee Nation for all intents and purposes and became a citizen of the United States or of the State of California. That this could have been done, there is no question; that the right of expatriation is recognized by the United States and by the Cherokee Nation, we certainly admit; but, that under the facts in this case and the circumstances connected therewith, Zora W. Evers acquired the citizenship of her husband and lost that of the Cherokee Nation, we do not believe that the law warrants this conclusion, and in support of our contention we submit the following:

The evidence certainly shows beyond question that in 1881 Zora W. Evers was a bona fide domiciled citizen of the Cherokee Nation, and continued to remain so at least until the time of her marriage to Ed. Evers several years thereafter.

The status of the law relative to the question of citizenship and expatriation, and especially on the question of the citizenship of a woman upon marriage, has been in the past in this country more or less unsettled, and it is only by a review of the authorities on this subject that we can arrive at the true status of the same at the present day, or what it was in the past. Down to the Act of July 27, 1868, the question of the right of expatriation and its limitations had been considered by the Supreme Court of the United States in the following cases: *The Santissima Trinidad*, 20 U. S. 7. *Wheat*, 283; *Talbot vs. Janson* 3 U. S. 3 *Dall.* 133; *Inglis vs. Sailors Snug Harbor Trustees*, 28 U. S. 3 *Peters* 99; and *Shanks vs. Dupont*, 28 U. S. 3 *Peters* 242. There is also an able exposition of the subject given by Chief Justice Ellsworth in his opinion in the case of *Williams vs. 1. Tucker*, Bl. Com. pt. 1, 436 cited in *Murray vs. Charming Betsy*, 6 U. S. 2 *Cranch*, 82. The law established in these cases is thus summarized by Chancellor Kent, 2 *Com.*, 49; "The better opinion would seem to be that a citizen cannot renounce his allegiance to the United States without the permission of Government, to be declared by law; and that, as there is no existing legislation on the case the rule of the English Common law (perpetual allegiance) remains unaltered".

By an examination of the above authorities it can be readily seen that under the English common law in force in this country before the Act of July 27, 1868, an implied renunciation of citizenship was

unknown in our law. Congress on the 27th of July, 1868 (15 Stat. at L/ 225) passed an act entitled "AN ACT CONCERNING THE RIGHTS OF AMERICAN CITIZENS IN FOREIGN STATES". It is to be observed that the Act itself as well as does its title, deals only with the protestation of aliens by birth who have become citizens by naturalization. As to whether allegiance can be acquired or lost by any other means than naturalization, is left by Congress in precisely the same situation it was before the passage of this Act. So with reference to the question of expatriation, as in this case, the law is left where it was previous to the year 1868, and Congress has made no law authorizing any implied renunciation of citizenship. In the case of Moore vs. Tisdale, 5 B. Mont. 352, in speaking of the question of implied renunciation of cit-

izenship by a wife upon marriage the Court said, "But a wife, who in duty bound, has shared the lot of her husband and abides by his choice during coverture, ought to be allowed at its termination to have the privilege of electing for herself and of fixing not only her future, but her past character. Her acquiescence in his choice, however willing, ought not to be considered as her own free independent act, but is the effect of that dependence and constraint which by law, as well as by nature, belong to her condition. If therefore after the husband's death she returns to her native country and resumes her residence and citizenship there, it should be assumed that she merely submitted herself temporarily to the domain of the foreign country, without having renounced her native allegiance, that she never became an alien and that her property rights remain as though she had never been out of her native country".

In the case of Comitiz vs. Perkerson, 56 Fed. Rep. 556 cited by Van Dyne on Citizenship, page 273, it is held "that the relation of husband and wife is not inconsistent with one being a citizen and the other an alien, and that in the absence of an act of Congress authorizing it, there can be no implied renunciation of citizenship by an American woman marrying an alien". In the same case, the Court in treating of the Act of February 10, 1855, said, "Nor does it seem to me that the Act of Congress of February 10, 1855 (10 Stat. at L. 604) which provides that an alien woman by marriage with a citizen shall become a citizen, authorizes any inference that Congress meant to declare the converse, viz., that a citizen woman, by marriage with an alien should become an alien".

In 14 Opp. Atty. Gen. 295, in treating of what removal was necessary to constitute an expatriation, it was held "that such removal must be without intent to return, and must be accompanied either by an act of naturalization in the foreign country, or acts and words from which a renunciation of the former citizenship and adoption of the new may be implied".

It was decided by Attorney-General Bates, 19 Opp. Atty. Gen., 321, "that a woman born in this country who married a Spanish subject residing here, and then removed to Spain with her husband and child, and subsequently died there, was still an American citizen at her death." (Wise on Citizenship, page 265).

This case it will be seen is direct in point with the case at

bar. And, Attorney-General Taft held that "where an alien woman acquired American citizenship by marriage with an American citizen, her citizenship was not lost by her marriage, after the death of her husband, with an alien? See 15 Opp. Atty. Gen. 599, See also Kreits vs.

Behrensmeier, 125 Ill. 141, '8 Am. St. Rep. 349.

In Mitchell vs. United States, 21 Wall., Mr. Justice Swaine in delivering the opinion of the Court said, "Domicil has been thus defined, 'A residence at a particular place accompanied with positive or presumptive proof of an intention to remain there for an unlimited time'. Guyer v. Daniel 1 Binney 349. The place where a person lives is taken to be his domicil until facts adduced establish the contrary. A domicil once acquired is presumed to continue until it is shown to have been changed. Somerville v. Somerville, 5 Vesey, 787; Harvard Coll. v. Gore, 5 Pick., 370 Whartons Conflict of Laws, Sec. 270".

"Where a change of domicil is alleged the burden of proving it is upon the person making the allegation. Crookenden v. Fuller, 1 Swabey & Tristram, 441; To constitute the new domicil, two things are indispensable: First: residence in the new locality; and second, the intention to remain there. Both are alike necessary. Either without the other is insufficient. Mere absence from a fixed home, however long cannot work the change. These principals are axiomatic in the law upon the subject. See Wharton's Conflict of Laws, Sec. 35, and the authorities there cited".

We believe that the Decision cited by the Attorney for the Cherokee Nation in the case of Lydia Buffington, Cherokee R. 207, has been reversed by the Department by the opinion of the Honorable Assistant- Attorney-General in the case of Martha ~~Smith~~ ^{Clarke}, wife of Clement G. Clarke, hereinbefore cited and also in other cases where the Department has held that a woman may live in the State with her husband and yet own valuable property and not abjure her citizenship in the Cherokee Nation. The case of Martha Clarke, wife of Clement G. Clarke, is a case like the one at bar, only that Zora W. Evers has separated from her husband in the States and has been divorced from him and returned to her Home in the Cherokee Nation where she has continued to live and she has re-married and is now making her home here on her farm in the Cherokee nation, Indian Territory.

Quoting from Wise on Citizenship, page 265, with reference to the proof of expatriation, this learned Author says "Proof of expatriation is to be made like that of any other fact for which there is no prescribed form of proof; that is, by any evidence that will convince the judges. A woman born in the United States, of American parents, married a Spanish subject residing here but never naturalized, removed to Spain, and lived there until her husband's death; it was held that such removal and residence in Spain were not evidence on her part of an intention to expatriate herself, and that she still remained a citizen of the United States."

We therefore submit that Zora W. Evers, having become a domicil citizen of the Cherokee Nation in 1881, that her domicil has been in the

Cherokee Nation at all times since then; that she, being the owner of tribal property in the Cherokee Nation and having gone out to California temporarily for the benefit of her health, cannot be held to have abjured her citizenship in the Cherokee Nation under the Cherokee Constitution because that Provision has three requirements, to-wit: First:-A removal from the Cherokee Nation; Second:-The taking of all of the applicant's effects out of the Cherokee Nation; and Third:- A becoming a citizen of another government. It is true that the applicant, Zora W. Evers, went out of the Cherokee Nation to the State of California for the benefit of her health but she did not take with her her tribal property and was never at any time a citizen of the State of California.

We therefore submit that, in view of the opinion of the Honorable Assistant Attorney-General in the case of Martha Clarke, the wife of Clement G. Clarke, and in view of the ^{Law} ~~fact~~, that the Motion for a rehearing should be granted in this case and the applicant be given an opportunity to make proof that she retained her tribal property in the Cherokee Nation during the time that she was absent; that she went out of the Nation for the benefit of her health and that when the condition of her health became such as would permit her to return to the Cherokee Nation, that she did return to the Nation and that she has continued to reside in the Cherokee Nation; and that while she was in California she never became a citizen of that State and never at any time intended to become a citizen of the State of California.

We therefore earnestly contend that her Motion for a rehearing should be allowed.

Respectfully submitted,

W. L. Carr & Patten

ATTORNEYS FOR APPLICANTS.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Zora W. Evers
et al as Citizens by blood of the Cherokee Nation.

REPLY.

In view of the fact that the Attorneys for the Cherokee Nation took occasion to raise technical objections to our original Motion for a rehearing in the above entitled cause on the question of one of the Attorneys for applicants signing as a witness to the mark where the party making the affidavit signs by mark and because the affidavit in support of said Motion was acknowledged in the Northern District of the Indian Territory before Miss Jessie Patten, a Notary Public for the Western District of the Indian Territory, we have subsequently filed an Amended Motion for rehearing in this case and have caused our affidavits to be re-written and sworn to by the Principal applicant.

While we had no objections to meeting the technical objections of the Attorney for the Cherokee Nation touching the validity of affidavits made before a Notary Public of the Western District of the Indian Territory and acting in the Northern District of the Indian Territory, yet, in order that we be not understood as conceding that said affidavits were void because the Notary Public who took them was without the District of her appointment, we respectfully submit that our contention is and always has been that the original affidavit in support of said Motion for a new trial which was sworn to before Jessie Patten in Vinita, Northern District, Indian Territory while being a Notary Public for the Western District, were under the laws in force in the Indian Territory valid. In support of our contentions we respectfully submit that, under the laws in force in the Indian Territory the power and authority of a Notary Public to administer oaths is co-extensive with the State, that is, with the Indian Territory. In this

case there is no question, nor is it controverted that Miss Jessie Patten was a duly appointed Notary Public having been appointed by the United States Court in the Western District of the Indian Territory and that she was at that time and always has been a resident of the Western District of the Indian Territory, the District of her appointment, since said appointment; that the affidavits in question in this case were taken by her without the Western District we admit. These points being conceded, the only question before us is as to whether or no said affidavits were void. The Office of Notaries Public is of great antiquity, deriving its origin from the early Roman Jurisprudence, and has for many centuries been recognized by most, if not all, of the Christian Nations. This Office is known to International Law, to the Common Law, being concerned more especially with the Law-Merchant branch, and to the Civil Law. A Notary Public is generally defined as "an officer whose function it is to attest and certify, by his hand and official seal, various instruments in order to give them authenticity in other jurisdictions, and is usually an officer appointed by the executive or other appointing power under the laws of the State", Bouv. Law Dictionary, Title: "Notary", page 514. In England this office existed before the Conquest (1066) and under the Common Law was always recognized as a public office, and being such every presumption is indulged in by the Common Law in the absence of Statutes of a broad jurisdiction. In most of the States Notaries Public are appointed by the Governor alone; in others by the Governor, by and with the advice of his Counsel; in others by and with the advice and consent of the Senate. In most all of the States of the United States the office of Notaries Public is recognized as a public office; See *Bettman v. Warwick*, 108 Fed. Rep. 46; *Britton v. Niccolls*, 104 U. S. 757. In Alabama this office is recognized as a public office. See *Governor v. Gordon*, 11 Ala., 1 page 72; *Smith v. Gordon*, 74 Ga. 416; *Teutonia Loan etc. Co. v. Turrell*, 19 Ind. Appeal, Ind. Att. 409; *Uguel v. Krag-Regnolds Co.*, 21 Ind. Appeal, 205. This Office is also recognized as a public office in Iowa, Louisiana, Massachusetts, Missouri, Nebraska, New York, Nevada, Pennsylvania, Tennessee, Canada and many other states. See American and English Encyclopedia of Law,

Second Edition, Vol. 21, page 555.

In the United States reference must be had to the Constitutional and Statutory Provisions of the various States to determine by whom and in what manner the appointment of a Notary Public is made. By reference to Section 4764 of Mansfield's Digest of the Laws of Arkansas, Chapter 32, we find the following Provision:- "The Governor may appoint a convenient number of Notaries Public for each County, who shall be citizens of the County for which they are appointed, and who shall file in the office of the Recorder of Deeds for the County a Bond to the State, for the faithful discharge of their duties, in the sum of \$1000.00 with security, to be approved by the Clerk of the Circuit Court of the County, and who shall hold office for the term of four years". Section 4765 of Mans. Dig. of this same chapter provides that "Each Notary Public shall have power to administer oaths in all matters incident and belonging to the exercise of his Notarial Office". His power is further extended by Section 4766 of this same chapter wherein he is empowered in the language of the Statute "to take the proof or acknowledgment of all instruments of writing relating to commerce and navigation, receive and authenticate acknowledgments of deeds, letters of attorney, and other instruments of writing, make declarations and protests, and certify under his official seal the truth of all matters and things done by virtue of his office."

Other than the foregoing there is nothing in the statutes of Arkansas which tends to broaden or limit the powers of Notaries Public nor is there any provision in said Statutes which limits their authority to administer oaths to the county of their appointment. It will be noticed by reference to the above noted Sections of the Statutes that the power of appointment of Notaries Public rests with the Governor of the State. Under the Act of Congress, entitled "An Act to provide a temporary Government for the Territory of Oklahoma and to enlarge the jurisdiction of the United States Courts in the Indian Territory, and for other purposes", approved May 2, 1890 (U. S. Stat. at Large, Vol. 26, Chap. 182, page 81), Section 31 of said Act provided that certain general laws of the State of Arkansas in force at the close of the General Assembly of that State in 1883 as

published in 1884 in Mansfield's Digest of the Statutes of Arkansas shall be put in force in the Indian Territory". Among these Sections enumerated in the chapter relating to Notaries Public and it is further provided in said Act that "Said Court in the Indian Territory shall appoint Notaries Public under this chapter". By reference to the Act of March 1, 1889, entitled "An Act establishing a United States Court in the Indian Territory", U. S. Stat. at Large, Vol. 25, Chapter 333, page 783. And by reference to all of the Acts of Congress relative to the United States Court in the Indian Territory, it will be seen that in contemplation of law there is none but one United States Court in the Indian Territory, and that the Acts passed subsequent to the Act of 1889 which established the original Court in the Indian Territory have only operated to enlarge the jurisdiction of that Court and to provide for additional Judges. By reference to the aforesaid Act of 1890 it will be seen that the United States Court in the Indian Territory exercises the same power in the appointments of Notaries Public as does the Governor of Arkansas.

The question then before us is as to whether or not a Notary Public appointed by the Governor of Arkansas or by the United States Court in the Indian Territory has authority to administer oaths only within the County or District for which he is appointed or whether his jurisdiction is co-extensive with the State. We have been unable to find any Decisions of the Supreme Court of Arkansas touching upon the question in issue directly and are left largely to the comparison of similar Statutes in other states and the construction of their Courts upon them. In our statutes defining the power of Notaries Public to administer oaths and take depositions it will be seen that there is no limitation placed upon them confining them to act within their County, but simply the broad Provision, to-wit: "Each Notary Public shall have power to administer oaths in all matters incident to or belonging to the exercise of his notarial office."

In a great number of States under a similar Provision and in many identically the same, it is held that the jurisdiction of a Notary Public to administer oaths is co-extensive with the State.

See: *Quertin v. Northam*, 144 Ill. 32; *Sullivan v. Hall*, 86 Mich. 7; *Davey v. Ruffell*, 162, Pa., Sr. 443, affirming 14 Pa. Co. Ct. 273; *Maxwell v. Hartmann*, 50 Wis. 660. See also Gen. Stat. Conn. (1888), § 268; *Horners' Annot. Stat. Ind.* (1896), §5962; *Pub. Gen. Laws Md.* (1888), art. 68, §8; *Stat. Minn.* (1894) §2271; *Rev. Codes N. Dak.* (1895) §462; *Hills Annot. Laws Oregon* (1892), §2317; *Civ. Stat. S. Car.* (1893) §578; *Stat. Vt.* (1894), §2963; *Hall. Annot. Codes & Stat. Wash.* (1897) §§ 246-248.

An examination of the reports of the states which held that a Notary's jurisdiction to administer oaths is confined to the County of their appointment will show that either one of two conditions existed, that is, that the Statutes of that State expressly limited their jurisdiction to the County of their appointment or that such States are those which were originally a part of the Louisiana Purchase and in which the Common Law of England is not presumed to exist in the absence of the Statutory Provisions expressly accepting it. In the case of *Barhyet v. Alexander*, 59 Mo. Appeal, 188 and also in the case of *Silver v. Kansas City Railroad Co.*, 21 Mo. Appeal 5, in a somewhat similar statute defining the authority of a Notary Public to administer oaths, it was held that their jurisdiction was confined to the County of their appointment, but this was so held for the reason that Missouri was originally a part of the Louisiana Purchase and that the common Law presumption that the Notary's jurisdiction is co-extensive with the State, in the absence of the Statute limiting it to the County was not to be indulged in in that State. This same Decision was taken in Iowa for the same reason. In Illinois, under a statute similar to the one in force in Arkansas and which has been adopted in the Indian Territory, it is held that a Notary Public's jurisdiction to administer oaths is co-extensive with the State and that although a Notary Public must be appointed and have his residence in a particular County, yet he is competent to administer oaths and take affidavits and depositions any where in the State. It will be remembered that the State of Illinois was originally a part of the Louisiana Purchase as was also the State of Arkansas, but in Illinois by ex-

press Statutory Provisions the Common Law of England is to be in force on all questions in the absence of Statutes to the Contrary. In this connection we would call attention to Chapter 20 of Mansfield's Digest Sections 566 and 567 in which it is provided "that the Common Law of England so far as the same is applicable and of a general Nature, and all Statutes of the British Parliament in aid of or to supply the defects of the Common Law made prior to the Fourth Year of James the First (that are applicable to our own form of Government) of a general nature and not local to that Kingdom, and not inconsistent with the Constitution and the Laws of the United States or the Constitution and laws of this state shall be the rule of Decision in this State unless altered or repealed by the General Assembly of this State! This Section of the Laws of Arkansas was put in force in the Indian Territory by the Act of May 2, 1890 above referred to.

So far then as the power and authority of a Notary Public of administering oaths and taking depositions in the Indian Territory is defined by law there seems to be no question but that the status of it succinctly stated is this:- 'they have been given power to administer oaths in all matters incident to or belonging to the exercise of their notarial office without any restrictions being placed upon them confirming their acts in this regard to the County of their appointment; that they derive their authority and jurisdiction from the Governor of the State, and in the Indian Territory from the United States Court, unrestricted as to jurisdiction; that the Common Law construction of the statute so broad in language is to be adopted in construing the Notary's jurisdiction in this State because although Arkansas, being originally a part of the Louisiana Purchase, has put in force in her State the Common Law of England in the absence of statutes upon a subject, as above cited, and this same Section of Mansfield's Digest, Section 566, was adopted and put in force in the Indian Territory by the Act of May 2, 1890 (U. S. Stat. at Large, Vol. 26, page 181 of Chapter 182). It seems well settled by the weight of authority that in the other states whose decisions have been cited in which the Common Law construction of a Notary Public's jurisdiction

in force and whose statutes relative to the Notary's power to administer oaths are similar to those of Arkansas, that in every instance their jurisdiction is construed to be co-extensive with the State.

It is true that under the statutes in force in Arkansas, as it is in every State in the Union we might safely say, that a Notary Public must be a resident of the County of his appointment; that such residence is one of the necessary qualifications, but we also think that while he must be a resident of the County of his appointment, yet such requirement does not limit his jurisdiction to administer oaths in other Counties unless such jurisdiction is expressly limited to the County of his appointment by Statutory Provision. In Illinois it has been held that an affidavit taken by a Notary Public to be used in his own County need not even bear the official seal. See *Schaefer v. Kienzel*, 123 Ill., 430; *Dyer v. Flint*, 21 Ill., 60; *Stout v. Slatery*, 12 Ill., 162; but the same Court in construing the last named case went still farther and said that if an affidavit was to be used outside that County, his Official character must be shown either by his seal or in some other way. It was held in the case of *Sullivan v. Hall*, 86 Mich., 7, and in the case of *Perkins v. Collins*, 3 N. J. Eq., 482, wherein the venue was State of N. J., ss., that where the officer's authority to administer oaths is co-extensive with the State, it is not necessary for the affidavit to show at what place in the State it was taken.

In the broad language in force in this jurisdiction which creates the office of Notaries Public it seems to be plain that since he is appointed and receives his authority from the Governor of the State, or in the Indian Territory, from the United States Court, that under the accepted definitions, a Notary Public in the Indian Territory is a State Officer. In a popular sense a State Officer may be defined as one whose jurisdiction is co-extensive with the State: See *State v. Hooker*, 39 Fla. 477; *State v. Dillon*, 90 Mo., 229; *State v. Higgins*, 144 Mo., 410 in a more enlarged sense a State Officer is one who receives his authority under the laws of the State and performs some of the governmental functions of the State; See *State v.*

Bus, 135 Mo. 323; see also Garner v. St. Louis, 37 Mo., 554; People v. Court, Gen. Sess., 13 Hun., N.Y., 395; that a Notary Public is a State Officer, see Kirksey v. Bates, 7 Port. (Ala.), 529; Matter of Notaries Public, see 8 Hawaii, 561.

Perhaps the clearest opinion in line with the question in issue in this Brief is the case of Michael Sullivan v. Edmund Hall, 13 LRA., 554. In this case was discussed by the Court, practically the same question under consideration. Under the laws in force in Michigan, the appointment, qualifications, and the jurisdiction of a Notary Public was almost identically the same as those in force as above set forth in the State of Arkansas and which have been adopted by the Act. of 1880 and put in force in the Indian Territory. Section 632, How. Stat. of Mich. Provides that the certificate of the Notary Public from under his hand and seal shall be presumptive evidence of the facts contained in it, as right to that office comes from an appointment by the Governor of the State, and his compliance with the requirements of the Statutes in filing Oath, bond, etc., (Act. No. 117, Public Acts, 1887). In this case an objection was raised to the validity of an affidavit because the Notary Public did not state in the jurat the County in which he acts as such officer. The Court in passing upon this question says: "A Notary Public is in no sense a County Officer. The Governor, by and with the advice and consent of the Senate may appoint one or more persons as Notary Public in each County, who shall hold their office, etc.". Act. No. 117, Public Acts, 1887. While it is very proper that a Notary Public should sign himself as a Notary Public in and for the County from which he is appointed, yet his certificate would not be defective if the designation of the County is omitted. He may act in any part of the State and his official acts are not confined to the County where he resides. It is further shown that in the Amendatory Act of 1889 (Act. 74, Public Acts, 1889) no person is eligible to the office of Notary Public unless the person is a resident of the County of which he or she desires to be appointed, but their official acts are not necessarily confined to that County. The Office would undoubtedly become vacant by the removal from that County but it does not follow that for this reason that the party is a County Officer

The appointment has always been regarded as a State matter rather than that of County. It is a State appointment and the omission of the venue would not be a fatal defect in the jurat. It cannot matter to the public to be affected by such certificate, from what particular County the Notary Public was appointed. In legal phraseology "VENUE" means the County where a case is to be tried and, originally, a venue was employed to indicate the County from which the jury was to come.

The necessity of stating a venue at all is reluctantly fixed by the authorities. See *Bean v. Ayers*, 67 Me. 487; *Bridges v. Wantucket Bank*, 5 Mass. 95.

In view of the status of the law in this jurisdiction which has given to Notaries Public, the power of swearing witnesses and taking depositions by a provision, general in its terms confining their acts to no particular County or District for which they are appointed; and in view of the fact that there is no statute which confines their acts in this regard to the County of their appointment, as there is almost invariable in the States which hold that they can exercise this power only in the County for which they are appointed; and in view of the almost unanimous weight of authority, that a Notary Public is a State and a Public Officer, and at Common Law every presumption is indulged in in favor of the jurisdiction of a Public Officer with the Common Law in force in this jurisdiction as it is, giving to a Notary Public a jurisdiction co-extensive with the State unless limited by law to the County of his appointment, and in view of the decisions of the States heretofore cited in which the same provisions regarding the jurisdiction of Notaries Public are in force as in this jurisdiction, which, with the aid of the Common Law presumption of a broad jurisdiction have invariably held that the jurisdiction of a Notary Public to swear witnesses is co-extensive with the State, we believe that we are correct in our contention that, while a Notary Public must be a resident of the County for which he is appointed, that nevertheless so long as he is a lawful officer of that County, this does not limit his jurisdiction to swear witnesses and take depositions in any County or District of the State of which he is an officer.

On the other hand, suppose that we were to admit for the sake of argument, that in this jurisdiction the power of a Notary Public to swear witnesses is confined to the District of their appointment, we respectfully submit that even though that were the law, nevertheless so long as the Notary Public was a bona fide officer of the District of his appointment and in possession of the emblems of office, his action of swearing a witness in another District would be the act of a De facto Officer, and valid as regards all persons and the Public, and the State would be the only party who could call them into question. In the case of *Stokes v. Acklen*, in the E Chancery Court of Appeals of Tennessee, 46 S.W. Rep. 316, it was held that under the laws of the State a female could not be a Notary Public, yet in this case in which a female had gotten into office and acknowledged a deed as a Notary Public it was held that she was a De facto Officer and that her acts were valid against all persons and the Public. The Court in its opinion said, "A Notary Public was an officer known to the Common Law, and, in the absence of legislation prescribing his duties and the manner of their performance, the Common Law could be looked to for the purpose of ascertaining them. *Kirksey v. Bates* 7 Port. (Ala.) 529. See also *Smith v. Meador*, 74 Ga. 416. The Office of Notary Public being a public office in its nature, and pertaining to government, and the feme sole in this case having been duly elected thereto by competent authority under the law, and commissioned to discharge its duties, and being openly in possession, with the accessories of the office, and in the performance of its functions, were her acts done in office void, because she was ineligible, under the law to hold office. We hold that they were not. She was an officer de facto. The eligibility of the incumbent of an office, established by law, openly in possession of it colors official, and discharging its functions, does not render her acts void as to the third persons and the public dealing with the office and accepting her acts as the acts of a rightful incumbent of the office. We need not attempt to give a comprehensive definition of what it takes to constitute an officer de facto, in the sense of the Law. The books and cases are full of definitions. It is settled by a current of authority almost unbroken for over 300 years in England and this country, that ineligibility to hold an office does not prevent the ineligible incumbent, if in possession under color of right and authority, from being an officer de facto with respect to his official acts, in so far as third persons are concerned. See the leading case of *State v. Carroll*, 38 Conn. 449; *Smith v. Bondurant*, 58 Am. Rep. 438; 5 Am. and Eng. Enc. of Law, pp. 96-109 and numerous cases there cited; *Shelby v. Alcorn*, 72 Am. St. Rep. 828, note, and cases cited; and by reference to this case will be found a great number of cases there cited on this same point.

In the case of *Blackburn v. State*, 3 Head. Tenn. 690, as was said in the case of *Mayor of Nashville v. Thompson*, 12 LRA. Tenn. 344, that a person inducted into office according to the forms of law is an

officer de facto, although incompetent by the provisions of the Constitution to hold the office, and his ~~incompetency~~ incompetency cannot be inquired into by the parties affected by his acts. "The ineligibility of the female Notary Public taking the acknowledgments in this case, caused by the absence of legislation conferring the power upon women to hold the office did not divest her act of the force and incidents attaching to the act of a de facto officer, the office being one in existence by virtue of law, and she having been given the apparent sanction of competent authority to discharge its duty".

Upon this we respectfully submit, that even though a Notary had no authority to act without the limits of his District, yet in this case, the Notary Public, being a duly commissioned officer under the laws in force in the Indian Territory, in the possession of the office, that at least her acts were those of a de facto officer, and the affidavits, being made by the affiants before her, a Notary Public, the same were valid as regards the persons who made them.

However, we believe that our first contention, that a Notary Public, under the laws of the Indian Territory as adopted from Arkansas has jurisdiction to swear witnesses anywhere in the State, is correct.

That this view is correct, in the absence of the question having arisen in Arkansas, and their interpretation of the law relative to the question of the jurisdiction of a Notary Public to administer oaths in any County of the State, having been left to the Legislative power of the State, we would call attention to the manner in which the Legislature of Arkansas, itself, has seen fit to interpret her laws upon this question, as shown by her Act of April 4, 1901, Sec. 5745 of Kirby's Digest of the Statutes of Arkansas, which is as follows, to-wit: "The power and authority of Notaries Public shall be co-extensive with the State, for the purpose of swearing witnesses and taking depositions".

Respectfully submitted,


ATTORNEYS FOR APPLICANTS.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the Motion for a rehearing of the application for the enrollment of Zora W. Ewers, et al., as citizens by blood of the Cherokee Nation.

M O T I O N.

Comes now the applicants and move to strike from the records the testimony taken in the case of Mary Sanders, Cherokee Freedman R. 38, et al., which has been attached to 'The Reply of the Cherokee Nation' in this case, for the reason that the Attorney for the Cherokee Nation seeks to bring into this case the testimony from an entirely different case and make it a part of the record in this case.

That said record can have no bearing upon this case and the mere conclusion of the Attorney for the Cherokee Nation that the Motion for rehearing has not been sworn to is not supported by any reference to Law and is only the statement of the Attorney for the Cherokee Nation and his opinion upon points of this kind without showing any Law to support it is not any better than the opinion of any one else. It is attempted to inject the testimony from another case into this case for the purpose of creating a prejudice against the Attorneys for applicants and against applicants in these cases and is in direct violation of the rule laid down by the Honorable Secretary of the Interior in Departmental letter of May 21, 1906 (D.C. 20724; I.T.D. 5262-1905; 4589-1905; 3537-1905; 9556-1905) in the matter of the Cherokee Freedmen Enrollment case of Catherine Mix wherein the Department held "It is observed that the testimony taken in certain other cases was appended to the record herein and made a part of the same, contrary to the objection of counsel for the applicants. While this action of the Commission is not considered proper in view of such objection, the additional testimony has not been considered in-as-much as the testimony submitted by and on behalf of the principal applicants is of itself sufficient to warrant the conclusion which the Department has reached in the matter".

"Briefs submitted by counsel for the applicants and for the Nation have been considered. It is found that the Brief submitted on behalf of the applicants was supported by affidavits. In-as-much as new testimony can be properly introduced only for the purpose of securing a rehearing, these affidavits have not been considered in connection with said Motion, which was designed merely to secure a review of the Decision of the Commission to the Five Civilized Tribes".

It will be noticed that the so-called "Reply of the Cherokee Nation" has all of this testimony attached to it and the Attorney for the Nation evidently wants to have same considered by the Department. When this testimony in the Mary Sander's case was taken, the Attorney for the Nation asked for a rule on us to see where we were on June 13th and on June 25th and whether or not Jessie Patten was a Notary Public for the Northern District of the Indian Territory. We appeared at Muskogee at the request of the Honorable Commissioner to the Five Civilized Tribes and consented to give our testimony in the Mary Sander's case and we stated that Jessie Patten was not a Notary Public for the Northern District of the Indian Territory but that she was a Notary Public for the Western District of the Indian Territory, and that as such Notary Public certain affidavits were sworn to before her in Vinita, Northern District of the Indian Territory. The Attorney for the Cherokee Nation, without looking up the law, has jumped at the conclusion that said affidavits are void and we have filed our Brief in that case stating our position with reference to said affidavits, and on that same legal proposition we will file our Brief in this case.

This attempt on the part of the Attorney for the Cherokee Nation is in conflict with the ruling of the Department in Departmental letter dated June 20, 1906 (D.C. 25968; I.T.D. 6190-1903; 8700-1904;) in the Cherokee Freedmen Enrollment case of Payton Martin, et al., in which the Department held "A re-consideration of the record in this case shows that on the original hearing five witnesses were examined by the Attorneys for applicants and subjected to cross-examination by the Attorney for the Nation. Opposed to this showing there is attached to

the record the testimony of E. J. Clayton as taken in the Heatie Martin case. It does not appear that this testimony is filed with the consent of the Attorneys for applicants, and in the argument submitted by them they state that their consent was not given".

"Since the hearing certain affidavits have been filed in behalf of the applicants".

"It is not the policy of the Department to consider evidence in citizenship cases submitted in this form, as it is manifestly unfair to the Nation and against the rules of evidence. In this case it is apparent that the evidence of E. J. Clayton, taken in another case and without opportunity of cross-examination by applicants' Attorneys is subject to the same criticism as the affidavits submitted by the applicant".

"The Department cannot in justice be expected to adjudicate a case on such affidavits in behalf of the Nation. In regard to the cross-examination of witnesses and the injection of testimony from other cases into the case under consideration your attention is called to Departmental letter of December 7, 1905, in the application for the enrollment of Dochee, deceased, as a citizen by blood of the Creek Nation, and also to Departmental letter of May 21, 1906 relative to the application of Catherine Mix for her enrollment as a Cherokee Freedmen. As the objections to this testimony were made in the argument submitted, the Nation should be permitted to introduce their evidence in the premises".

"The Departmental Decision of September 22, 1903, in this case is hereby rescinded, and the case is remanded for a further hearing. You are instructed to permit the applicants and the Attorney for the Nation to present such proper evidence as they see fit on the matter of the rights of these applicants to enrollment as Cherokee Freedmen".

It is clear therefore that the Attorney for the Nation has violated the plain rule laid down by the Department when he filed with this case all of the testimony taken on July 12, 1906 in the matter of the application for the enrollment of Mary Sanders, et al., as Cherokee Freedmen. The testimony has no place in this record and we objected at the time to testimony being taken in the Mary Sanders case with reference to

other cases and we now earnestly object to this method of procedure on part of the Attorney for the Cherokee Nation because it is plainly proven on the face of the so-called "Reply of the Cherokee Nation" that this method is resorted to to secure a prejudice against the Attorneys for the applicants and the cause of the applicants herein, and we therefore move that the same be stricken from the records in this case.

Respectfully,

Starr & Patten

ATTORNEYS FOR APPLICANTS.

STARR & PATTEN,

ATTORNEYS FOR APPLICANTS,

VINITA, I. T.

COMMISSIONERS:

TAMM BIXBY,
THOMAS B. NEEDLES,
C. B. BRECKINRIDGE

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

Cherokee D-664

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 1, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Zora W. Evers et al., as citizens by blood of the Cherokee Nation, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the residence of the applicants and as to what property they own or have owned in the Cherokee Nation.

The principal applicant, Zora W. Evers, has this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Thursday, December 22, 1904, and introduce testimony touching the points above mentioned. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Chairman.

COMMISSIONERS.

TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,

WM. O. BEALL,
Secretary

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee D-664.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 16, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 16, 1905, rejecting the application for the enrollment of Zora W. Evers, et al. as citizens by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-142.

Chairman.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BRALL
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

8640

REFER IN REPLY TO THE FOLLOWING:
Cherokee D-464.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 27, 1905.

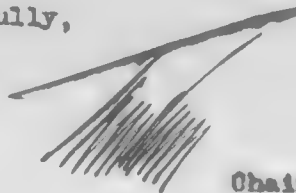
V. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 16, 1905, rejecting the application for the enrollment of Zora W. Evers et al., as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 13, 1905.

Respectfully,



Chairman.

LAND:

45553-1905
96643-1906.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

December 4, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of June 13, 1905, (I.T.D. 3202-1905), affirming the decision of the Commission to the Five Civilized Tribes, denying the application of Zora W. Evers, et al., for enrollment as citizens of the Cherokee Nation, I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated October 30, 1906, enclosing a motion for a rehearing in this case, filed with the Commissioner June 25, 1906, together with a reply filed by the attorney for the Cherokee Nation on July 26, 1906, asking that the motion be dismissed for the reason that it was sworn to by J. C. Starr before Jessie Patten on June 25, 1906, while the testimony taken in the Cherokee freed-man case of Mary Sanders showed that both Jessie Patten and J. C. Starr were in Vinita, Northern District, Indian Territory, on the day that it was sworn to, and that Jessie Patten was not a Notary Public for the Northern District, but was for the Western District of Indian Territory.

Starr and Patten, the attorneys for the applicants, on August 3, 1906, filed a motion to strike from the record the testimony taken in the Mary Sanders' case, which is attached to the Nation's reply, and on August 16, 1906, the attorney for the Cherokee Nation

filed a reply to said motion. On August 3, 1906, the attorneys for the applicants filed two briefs on behalf of their clients. All these motions are a part of the record.

The question of the jurisdiction of a Notary Public raised in this case is one that the Commissioner did not feel that he was called upon to decide. The question raised is a highly technical one, and to decide it, it will be necessary to consult the statute law of the localities. It is provided by the law in a number of the States that while a Notary Public's commission shows that he is commissioned to act in and for a certain county, his jurisdiction is co-extensive with the boundaries of the State by which his commission is issued. In view of the fact that it is not necessary to decide this point in order to dispose of the motion, the Office does not care to recommend that the motion be dismissed on the grounds set out by the attorney for the Nation.

The record shows that the principal applicant was born in 1872 or 1873, as a North Carolina Cherokee, and removed to the Cherokee Nation for the purpose of establishing her rights as a citizen under the Act of the Cherokee National Council approved December 3, 1880; and that she thereafter resided in the Cherokee Nation until 1887, when she abandoned her improvements in the Cherokee Nation and removed to the State of California and resided there until 1897, having married Edward C. Evers, a citizen of the State of California, in the year 1895.

The ground alleged for the rehearing in this case is that the decision rejecting the application for enrollment is erroneous, and the attorneys for applicants hold that the principal applicant had not lost her citizenship, for the reason that while she was out of the Nation she owned at all times valuable and permanent improvements in the Cherokee Nation. In support of this contention is filed the affidavit of Walter Nave, in which he says that he took Zora Evers to the State of California in 1887, and that during the time she was in California she owned land in the Cherokee Nation, and that he held it in her name. Her own testimony, however, taken December 23, 1904, does not bear out the contention now alleged as ground for a rehearing.

The Office concurs in the recommendation of the Commissioner that the motion be denied.

The record is enclosed herewith.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EWE-KH

D.C.55234

(COPY)

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.P.Jr.
LLB

I.T.D.24442-1906.

December 13, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On December 4, 1906 (Land 96643), the Indian Office transmitted your report dated October 30, 1906, forwarding a motion for rehearing in the Cherokee enrollment case of Zora W. Evers et al.

~~You recommend that said motion be denied.~~

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The Department does not consider it necessary to pass upon the jurisdiction of a notary public in the consideration of the motion now presented. The affidavit in support of this motion is directly at variance with the testimony of the principal applicant as it appears in the record.

It being considered that said motion is without merit, it is hereby denied.

The papers have been sent to the Indian Office for its files.

Respectfully,

(Signed) Jesse E. Wilson,
Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 9 to Ind. Of.

REFER IN REPLY TO THE FOLLOWING:

Cherokee

R 942.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 3, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed by Starr & Patten, Vinita, Indian Territory, for a rehearing in the Cherokee enrollment case of Zora W. Evers, et al., was denied by the Secretary of the Interior December 13, 1906.

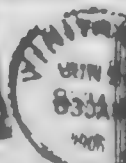
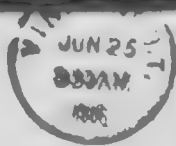
For your information there is enclosed a copy of Departmental decision referred to.

Respectfully,

Encl. H. J. -14.
H. J. U.

Commissioner.

After 10 days, return to
J. C. STARR,
P. O. Box W.
VINITA, IND. T.



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June 25/06

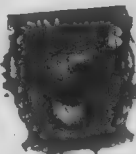
REGISTERED
JUN 24 1906
VINITA, IND. T.

W. W. Hastings Esq

Atty For the Cherokee Nation,

Muskogee I T

RETURNS IN TEN DAYS TO
Harris & Bulger
HARRIS & BULGER
ATTORNEYS AT LAW
VINITA, IND. TER.



W. W. Hastings,

Muskogee I T

RETURNS IN TEN DAYS TO
Harz & Patten
~~BLUE & BUTLER~~
ATTORNEYS AT LAW
VINITA, IND. TER.

W. W. Hastings,

Muskogee I T



RETURNS IN TEN DAYS TO
~~BLUE & BUTLER~~
ATTORNEYS AT LAW
VINITA, IND. TER.

W. W. Hastings,

Muskogee I T



CHEROKEE

D 66

Zora W. Ever

et al.

Cancelled and transferred
to Cherokee R 9/12

Cher D 665

Cher D 665

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHAMBERS, I.T., OCTOBER 22d, 1900.

In the matter of the application of Lucius M. Holmes for the enrollment of LILLIE BELL ALLEN as a citizen of the Cherokee Nation; said Holmes being sworn and examined by Commissioner C. B. Needles, testified as follows:

Q What is your name? A Lucius M. Holmes.
Q What is your age, Mr. Holmes? A 57.
Q What is your postoffice address? A Foyil.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A No, sir.
Q For whom you apply for enrollment? A Lillie Bell Allen.
Q How old is Lillie Bell Allen? A Pretty near five years old.
Q What is her father's name? A Henry Allen.
Q Is he living? A Yes, sir.
Q Is he a citizen of the Cherokee Nation? Yes, sir.
Q By blood? A Yes, sir.
Q What is the name of her mother? A Maggie Allen.
Q Is she living? A Yes, sir.
Q Is she a citizen by blood? A No, sir.
Q They are both living are they? A Yes, sir.
Q Where do they live? A Henry Allen lives up close to Coffeyville in the Cherokee Nation and Maggie, she lives over here.
Q Have you any proof of marriage of Henry Allen to his wife Maggie?
A No, sir, I have not.
Q Are you the legal guardian of that child? A Yes, sir.
Q He is a Cherokee by blood is he, Henry Allen? A Yes, sir.
Q What is his father's name? I do not know his father name.
Q Don't know his other's name? (No response.)
1890 enrollment; page 60, 61, Henry Allen, Cooweescoowee.
Q You do not know when he married his wife, Maggie? A No, I do not.
Q Did she always go by the name of Lillie? A Yes, sir.
Q You say she is on the roll of 1890? A That is what they say.
Q Did she lived out in Oklahoma? A She was out there a while in but never lived out there. She was not away over six months.
Q The child name is not on the roll of 1890.

Com'r Needles:--The applicant applies for the enrollment of one Lillie Bell Allen, five years of age. He avers that she is a child of Henry Allen by his wife, Maggie, and the name of Henry Allen is found upon the authenticated roll of 1890. The name of Lillie Allen is not found upon the census roll of 1890, and he does not submit any proof of marriage between Henry Allen, the avowed father of Lillie, and Maggie, the avowed mother of Lillie. Consequently final judgment is to the enrollment of said Lillie B. Allen is suspended and her name will be placed upon a doubtful card, awaiting proof of marriage between her father and mother, and proof as to residence, her name not being found upon the census roll of 1890.

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J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 22d day of October, 1900.

Commissioner.

QUARTERMASTER'S OFFICE
COMMISSION TO THE SECRETARY OF THE ARMY
R.I.E.E.
OCT 28 1900

[Handwritten signature]

✓ 5778

SUPPLEMENTAL TESTIMONY to go with Cards #4494 and D 665.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
OKLAHOMA, I.T., OCTOBER 28th, 1900.

SUPPLEMENTAL testimony in the matter of the application of
Lillie B. Allen, D 665, and Henry Allen, et al., #4494, for enroll-
ment as citizens of the Cherokee Nation:

HENRY ALLEN, being sworn and examined by Commissioner
Breakinridge, testified as follows:

- Q Give me your name? A Henry Allen.
Q What is your age? A Born in 1874, 26 years old.
Q What is your post office? A Lenapah.
Q In what district do you live? A Cooweescoowee.
Q Are you the Henry Allen who applied for the enrollment of him-
self, wife and two children at Nowata, on the 16th of October? A
Yes, sir, I am the man.
Q You testified in your application that you had never been mar-
ried except to your present wife? A No, I never; I was not asked
such question. The Commissioner asked me if my wife was ever mar-
ried before.
Q You were asked if you were ever married before and then asked if
she was ever married before and you answered "no" to both questions.
There is no use disputing these questions.
How often now do you state that you have been married? A I have
been married twice.
Q Give me the name of your first wife? A Her name was Maggie
Toole before I married her.
Q Is she white woman or Cherokee? A White woman.
Q Is she living? A She is living.
Q How old is she now? A Well, sir, I couldnot tell you.
Q When did you marry her? A To the best of my knowledge, it was
in 1894.
Q How long did you and she live together? A About six months.
Q Have you a certificate of your marriage? A No, sir, I never got
any certificate.
Q Who married you? A An ordained minister by the name of J. A.
Hiveley.
Q Is he living? A Yes, sir, I suppose he is.
Q Where is he living? A He used to live here, but he moved off.
Q Of what denomination was he? A He was a Methodist.
Q You have one child of that marriage? A She has got one.
We lived together about six months to the best of my knowledge.
Q What time in 1894 did you marry her? A In October to the best
of my knowledge.
Q You say you married in 1894 or was it in 1895? A 1894.
Q You say it was 1894? A Yes, sir.
Q Did you ever get a divorce from that wife? A Yes, sir, I got
A. H. Calloway and A. H. Herwood to get my divorce.
Q Where does he (Herwood) live? A Dewey.
Q Does Calloway live there? A He lives here in town.
Q Did he ever send you a copy of the decree of divorce? A No, sir,
never did; they told me it was law.
Q Where did you bring suit for divorce? A Here in town.
Q When did you understand that they secured a divorce from your
first wife? A It was about, I guess it must have been two weeks
to the best of my knowledge.
Q In what year? A It was in 1894.
Q You married in October and lived together six months, that carried
you into 1895? A That is right, in 1895 some time.

Henry Allen et al.—3.

- Q How long after you understood that you had a divorce was it until you married your present wife? A It was May, 1895.
- Q You married very soon after you understood you had a divorce?
- A Yes, sir, when I understood it was safe to marry. I went to them and asked them.
- Q What kind of a proceeding was this when you got what you call a divorce from your first wife? A Arbitration.
- Q Did you get a copy of it? A No, sir.
- Q What was agreed to? A We divided everything there was.
- Q Did you divide your property? A Yes, sir, she took half and I got half.
- Q Did you have a written copy of it? A Yes, sir.
- Q Did you have a copy of it? A No, sir, Mr. Galloway had one.
- Q You have no proof of what you got? A No, sir.
- Q Nothing but somebody's word? A No, sir, that is all.
- Q Now, can you explain why you stated to me in your former examination at Nowata, that you had never been married except to your present wife? A I beg your pardon, I misunderstood you.
- Q It was put to you in two forms, first you were asked if you were ever married except to your present wife, and you said no; and then you were asked if she was ever married except to you to keep the matter clear in your mind, and you said no; so if you thought that in the first question that was asked, your attention would have been brought to the fact of the second marriage. Did not you realize that you did not get a divorce from that first wife, and did not you try to deceive this Commission about your marriage? I want to know why you give that kind of answer? A There was so much fuss that I misunderstood it. It was just a misunderstanding with me.
- Q There was no fuss in the room, there was good order kept.
- Q This separation that you had from your first wife, did you leave her or did she leave you? A She left me.
- Q Were you farming? A Yes, sir.
- Q Did she get up and go away from you? A Yes, sir, she left me.
- Q Did she leave you and the house and premises? A Yes, sir.
- Q Where did she go? A She went to her sister's.
- Q How far was that? A To the best of my knowledge, it is four or five miles.
- Q How long after her leaving was it until you married again? A Well, sir, I got my divorce.
- Q Well, how long was it after her leaving you until you were told by the lawyers that you had a divorce? A To the best of my knowledge it was about three weeks.
- Q You think about three weeks after she left you the lawyers told you that you had a divorce? A Yes, sir.
- Q And how long was it after you got your information from the lawyers until you married? A It was a pretty good while.
- Q About how long? A To the best of my knowledge, I could not just exactly tell.
- Q Three months, six months? A It was the 9th of May, 1895.

Com'r Breckinridge:—A copy of this evidence will be filed in the applicant for the enrollment of Lillie B. Allen, D 643, and a copy will also be filed in the matter of the application of Henry Allen, et al., 4494, and the decision in regard to the enrollment of the wife and children of Henry Allen, will be taken under consideration and a note is ordered to be made on the card referring to this testimony and stating that the enrollment of his present wife and children is doubtful, awaiting proof of divorce from his former wife and satisfactory evidence of the legality of his present marriage. Attention is called to Section 694 of the Cherokee laws of 1892 and Section 693 where it is stated in what manner a divorce shall be procured.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
OCT 26 1900

Henry Allen et al.--2.

J. G. Rossum, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. G. Rossum

Subscribed and sworn to before me this 26th day of October, 1900.

W. H. H. H.

Commissioner.

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R.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Chelsea, I.T. November 19th, 1900.

IN THE MATTER OF THE APPLICATION OF LILLIE B ALLEN ETC.--
CHEROKEE CARD D 668. Supplemental proceedings.

Lucius W. Holmes, being sworn by Commissioner C. R. Breckinridge, was examined by the Commission and testified as follows:

Q What is your name? A Lucius W. Holmes.

Q What is your post office address? A Poyil.

Q You are not a recognized citizen of the Cherokee Nation, are you? A No, sir.

Q Are you the guardian of Lillie B. Allen, the child of Henry Allen and Maggie Henry? A Yes, sir.

Q This child is living with you is it? A Yes, sir.

Q You made application on the 22nd day of October for this child's enrollment? A Yes, sir.

Q You stated at that time the name of the child's mother was Maggie Allen. That was a mistake? A Yes, sir.

Q The correct name of this child's mother is Maggie Henry?

A Yes, sir. She has been married since she married to Allen, ~~xxxxxxx~~ and is now married to a man by the name of Henry.

Q Then the statement you made at that time that the name of her mother is Allen, is an error? A Yes, sir.

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The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the supplemental proceedings in this application and the time and place abovementioned, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 20th day of November 1900.

W. S. Miles
C. R. Breckinridge

Commissioner.

FILED
NOV 20 1900

THE CHAIRMAN OF THE BOARD

Muskogee Ind. Terr., January 24th 1902.

To The Honorable Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Cherokee Division.

Gentlemen:

In looking over the case of Lillie B. Allen, listed on a Cherokee Doubtful Card No 665, the testimony discloses the fact that her mother is a white woman; that her father is a Cherokee by blood but that her father had been previously married to a white woman and the proof is very questionable as to their legal separation; the testimony on file shows that the first wife abandoned her husband, and if so she forfeited her right to citizenship as a Cherokee by intermarriage; she since December 16, 1895, some time in 1896, married Jesse Henry and is enrolled as a Cherokee by intermarriage on Regular Cherokee Card Number 2592 and as above observed she must get her citizenship through her first marriage to Henry Allen, if at all, and if she abandoned him, as he testifies, she forfeited her right to enrollment as a Cherokee by intermarriage and if she had no legal divorce from her first husband her second marriage is, of course, illegal and her children enrolled with her on Regular Cherokee Card Number 2592 are not therefore entitled.

The testimony further shows that, Cherokee Doubtful Card Number 665, Henry Allen subsequently married another white woman and that she is enrolled with him on Regular Cherokee Card Field Number 4494 and if he was not divorced from his first wife he was not in a position to contract a second marriage and therefore she could acquire no rights as a citizen by intermarriage unless a legal marriage could be proven.

Because of these being three cases affected by this evidence in this case we ask that the three copies of this letter be filed in each Cherokee Doubtful No 665; Regular Cherokee No 2592 and Regular Cherokee No 4494.

Respectfully Submitted,

W. M. Hastings

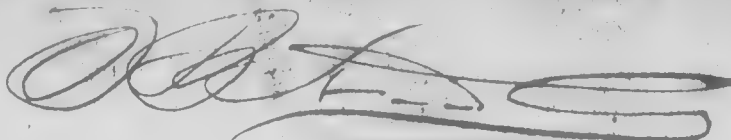
Attorneys for the Cherokee Nation.

Supl. C.D. #404.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 6, 1902.

SUPPLEMENTAL in the matter of the enrollment of LILLIE B. ALLEN
as a citizen of the Cherokee Nation:

The applicant's guardian, Lucius M. Helmer, was notified by registered letter February 15, 1902, that the application of his ward, Lillie B. Allen, would be taken up for final consideration of the Commission at its offices in Muskogee, Indian Territory on the 6th day of March, 1902; and that on said date he might appear and introduce any further testimony affecting said application. The case having this day been called, the applicant's guardian failing to respond either in person or by attorney, it is directed that the same be closed, and that it be reported to the Commission for a final decision based upon the evidence now of record.



Commissioner.

J.O.R.

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C. D-885

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 10, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Noah Langley for the enrollment of himself, wife and children as
Cherokee citizens.

Appearances:

A.M. Callaway, Claremore, I.T., attorney for applicants;
W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant and his attorney were notified
by registered letter February 19, 1902, that the application
of Noah Langley for the enrollment of himself, wife and child-
ren as citizens of the Cherokee Nation would be taken up for
final consideration by the Commission at its offices in
Muskogee, Indian Territory, on the 10th day of March, 1902.
Receipt has been acknowledged of the Commission's letter and
the applicant this day, to-wit: the 10th day of March, 1902,
appears by his attorney, A.M. Callaway, Claremore, I.T., and by
agreement with the representative of the Cherokee Nation
present the case is taken up for final consideration.

BY MR. CALLAWAY: I desire to submit the case to the Commission
on the records now on file.

BY COMMISSION: The attorney for the applicant and the rep-
resentative of the Cherokee Nation present submit the case;
same is considered completed, and will be reported to the
Commission for final decision based upon the evidence now of
record.

I, M.D. Green, do hereby certify that as stenographer to the Commis-
sion to the Five Civilized Tribes I correctly recorded the testi-
mony and proceedings in this case and that the foregoing is a true
and complete transcript of my stenographic notes thereof.

M.D. Green

47

8665

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Cherokee D 465.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lillie B. Allen as a citizen by blood of the Cherokee Nation.

D E C I S I O N.




The record in this case shows that on October 22, 1900, Lucius M. Holmes appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of Lillie B. Allen as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Claremore, Indian Territory, on October 25, 1900; at Chelsea, Indian Territory, on November 19, 1900 and at Muskogee, Indian Territory, on March 6, 1902.

The evidence shows that the said Lillie B. Allen is the minor child of Henry Allen, a Cherokee citizen by blood, and Maggie Allen, a white woman, who were lawfully married in the month of October, 1894. The said Henry Allen is identified on the 1880 authenticated tribal roll of the Cherokee Nation as a native Cherokee. The said Lillie B. Allen is identified by a birth affidavit on file with this Commission.

It further appears that the father and mother of the applicant have separated, and that said applicant was living with one Lucius M. Holmes at the date of the application herein, in the Cherokee Nation, and that she has resided in said Nation all her life.

It is, therefore, the opinion of this Commission that Lillie B. Allen should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this 20th day of April 1902

612

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON I. AVIESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 665.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 26, 1902.

W. W. Hastings,

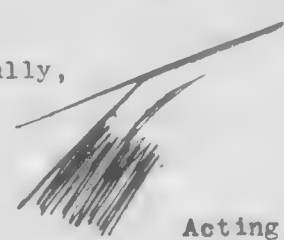
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Lucius M. Holmes for the enrollment of Lillie B. Allen as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. C. No. 47.

~~Lillie B Allen~~

- 1 Original testimony. Oct 22 1900
- 2 Memo of application. Oct 23 1900
- 3 Supplemental testimony. Oct 23 1900
- 4 Supplemental testimony. Nov 19-1900
- 5 Affidavit of birth Lillie B Allen.
- 6 Lillie B Allen

6 Notice of final consideration. 3/6/02

Order closing. 3/6/02

Transferred to 7:85

Dec 1 1900 Jan 11 1911.

Cher D 666

Cher D 666

File with case of Stephen Duncan, C. D. #666.

(COPY)

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson, I. T., August 27th, 1900.

In the matter of the application of Nancy Jane Cordray and children for enrollment as citizens of the Cherokee Nation, and she being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Nancy Jane Cordray.
Q What is your age? A Forty.
Q What is your postoffice? A Manard.
Q Are you a recognized citizen of the Cherokee Nation?
A A citizen by adoption.
Q What district do you live in? A Illinois.
Q How long have you lived there? A About six years.
Q Where did you live before that? A Not very far from the same place.
Q How long have you lived in the Cherokee Nation? A Fifteen years.
Q For whom do you apply? A Just myself and four children.
Q Your father and mother are non-citizens? A Yes, sir.
Q What is the name of your husband? A Eben Cordray.
Q Is he living? A He is dead.
Q When did you marry him? A Fifteen years ago.
Q Have you a certificate of marriage? A I have none with me; I can get one; I can get the man that married me.
Q Who married you? A Jerry Fisher.
Q A minister? A Yes, sir.
Q Is he living? A Yes, sir.
Q Did he give you a certificate of marriage? A No, sir.
Q What are the names of your children? A John Wilson Cordray.
Q How old is he? A Nine.
Q What is the name of the next one? A May Cordray.
Q How old is May? A Six.
Q Name of the next one? A Sarah Cordray.
Q How old is Sarah? A Four years old.
Q Has she any middle name? A No, sir.
Q What is the name of the next one? A Charlotte Cordray.
Q How old is Charlotte? A Two.
Q Are these children all living and living with you? A Yes, sir.
Q Born in the Cherokee Nation? A Yes, sir.
Q And always lived in the Nation (Cherokee)? A Yes, sir.
(1896 Roll, page 926, #35, Nancy Cordry, Illinois District)
(1896 Roll, page 847, #350, John Cordrey, Illinois District)
(1896 Roll, page 847, #351, May Cardrey, Illinois District)
(1896 Roll, page 847, #352, Sarah Cordrey, Illinois District)
(1880 Roll, page 745, #457, Eben J. Cordray, Tahlequah District)
Q When did your husband die? A The fifteenth of December, 1899.

The name of Nancy Cordray appears on the census roll of 1896, as well as the names of her children, John, May and Sarah, and she presents satisfactory proof of birth as to the birth of her youngest child, Charlotte, two years of age. Said applicant swears that she was married to one Eben Cordray, a Cherokee citizen by blood, about twelve years ago, but presents no certificate of marriage. She, having made satisfactory proof of her residence, and she and her children being fully identified according to the page and number of the rolls, as indicated in the testimony, she will be duly listed for enrollment as a Cherokee citizen by intermarriage; and her

children, John W., May, Sarah and Charlotte, as Cherokee citizen by blood, upon filing with this Commission satisfactory proof as to her marriage to the said Seben Gordray, deceased, his name being found on the authenticated roll of 1880, as per page and number of the roll as indicated in the testimony.

This

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) R. R. Cravens.

Subscribed and sworn to before me
this seventh day of September, 1900.

(Signed) T. B. Needles,
Commissioner.

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I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I copied the testimony filed in the case of Nancy J. Gordray, and that the foregoing is a true and complete copy of the same.

J. O. Rosson
Stenographer.

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I. T., October 25, 1900.

In the matter of the application of Catherine Duncan for the enrollment of herself as a Cherokee by blood and her husband as a Cherokee by intermarriage: being sworn and examined by Comptroller Brockinridge, she testified as follows:

- Q Give me your full name? A Catherine Duncan.
Q How old are you? A 38 years old.
Q What is your post office? A Claremore.
Q Do you live in Greenwood district? A Yes, sir.
Q Who is it you want to have enrolled? A No.
Q Just yourself? A Yes, sir.
Q Are you a Cherokee by blood? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Born and raised here.
Q Lived here all your life? A Yes, sir.
Q Are you on the roll of 1880? A I don't know.
Q Have you ever been married? A Yes, sir.
Q Give me first the name of your father? A Alex McDaniel.
Q Is he dead? A Yes, sir.
Q Has your father been dead more than 20 years? A Yes, sir.
Q Give me the name of your mother? A Kate Rogers.
Q Is she dead? A Yes, sir.
Q Has she been dead more than 20 years? A Yes, sir.
Q Have you been married more than once? A Yes, sir.
Q Give me the name of your first husband? A Ed Marsh.
Q Is he dead? A I don't know, sir, he left me.
Q When did you marry? A I don't know; in 1884 or 1885.
Q That was your first marriage? A Yes, sir.
Q You were a McDaniel in 1880? A Yes, sir, but I don't think I am on the roll though.
Q Why are you not on the roll? A I don't know, I reckon I didn't go to be put on.
Q When did you quit living with Marsh? A In 1886 I think.
Q Then you married again? A Yes, sir.
Q Who was your next husband? A Stephen Duncan.
Q Was Marsh a white man? A Yes, sir.
Q You don't know whether he is dead or not? A No, sir, I don't.
Q Did he run off and leave you? A Yes, sir.
Q Is Stephen Duncan a white man? A Yes, sir.
Q When did you marry him? A In 1888.
Q Is he alive or dead? A He is alive.
Q Is he living with you? A Yes, sir.
Q Why don't you apply for his enrollment? A He is here for the enrollment.
Q Did you marry him according to the Cherokee law? A Yes, sir.
Q Where is the license and certificate? A I have it here.
Q You haven't got any children? A No, sir.
(The applicant presents a marriage license issued by the clerk of Canadian district, February 7, 1888, authorizing her marriage as stated by her to Steve Duncan. The certificate shows that they were married on the 11th of the next month and year by the clerk of the district.)
Q Was your husband ever married before he married you? A Yes, sir.
Q Was his former wife dead? A Yes, sir.
Q Had he been married more than once? A No, sir, just once.
Q And his other wife was dead before he married you, was she?
A Yes, sir.
Q You haven't been married but to these two men? A That is all.
Q And you don't know whether Marsh is dead or not? A No, sir.
Q Did you ever get a divorce from him? A Yes, sir.

POOR ORIGINAL -
BEST AVAILABLE COPY

Catherine Duncan -8.

Q Where is the decree of divorce? A (Handed to paper.)
(The applicant presents a decree of divorce signed by J. M. Lynch, Judge of the Southern Circuit Court of the Cherokee Nation, dated August 28, 1887, showing that divorce was obtained between the applicant and her former husband, Edgar R. Marsh. This is filed herewith.)

Q Now you say you were born in the Cherokee Nation? A Yes, sir.

Q And you have lived here all your life? A Yes, sir.

Q Has your husband lived with you ever since he married you?

A Yes, sir.

(Catherine Duncan not on 1880 roll as Catherine McDaniel. On 1888 roll, page 145, No. 1215, Catherine Duncan, Coconawadaw district. Steven Duncan on 1888 roll, page 301, No. 280, Steven Duncan, Coconawadaw district.)

Q Did you ever live with a man named Gordery? A Yes, sir.

Q That was before you married Marsh? A Oh long before.

Q Is Gordery dead? A Yes, he is dead.

Q When did he die? A I don't know anything about him; we separated; I don't know when he died.

Q Do you know that he died at all? A Yes, sir, I know that.

Q How long have you known it? A I have known it for a year or two; I heard it, I don't know it.

Q Did you and Gordery live together as husband and wife? A Yes, sir.

Q And he was living up to the last two or three years? A I don't know how long he has been dead.

Q When did you first hear of his death? A That has been a couple of years ago.

Q Did you hear that he had just died, or how? A I don't hear; they said he was dead.

Q Did you ever get a divorce from him? A No, I never was married.

Q You were married according to the Cherokee law? A Yes.

Q You held each other out as husband and wife? A Yes, I rec as we did what time we stayed together.

Q Didn't you keep house together? A Yes.

Q Did he cultivate land? A No, he never cultivated any land.

Q How did he make a living? A We didn't live together very long.

Q What business did he follow when you did live together? A He worked a little, and I don't know what he did do, it has been so long ago.

Q You and he kept house together? A Yes, sir.

Q Was that the first man you ever lived with? A Yes, sir, that is the first one.

Q And then did you live with anybody else as a wife up to the time you married Marsh? A No, sir.

Q What was Gordery's full name? A Senborn.

J. G. Scrimscher, being sworn and examined by Counsel for the Applicant, testified as follows:

Q Give me your full name? A J. G. Scrimscher.

Q How old are you? A About 65 I guess.

Q What is your post office? A Claremore.

Q You have been Judge here in the Cherokee Nation, haven't you?

A Yes, sir.

Q How long have you lived in the Cherokee Nation? A Ever since I was about 18 months old.

Q Do you know this applicant here, Catherine Duncan? A I used to see her at school, at the seminary, when I was a young man.

Q How long ago has that been? A That was in 1861 or 1862 I guess.

Q Was she recognized then as a girl born here in the Cherokee Nation? A Yes, sir.

Q You knew her to be a native Cherokee, did you? A Yes, sir.

Q Did you know her mother? A No, sir, I didn't; they didn't allow white children to go to the school at that time.

Commissioner Dumas - 3.

Q. None were admitted at the school except those recognized as Cherokee by blood? A. I think not; there might have been one or two, but that was the general rule.

Q. This is the same woman? A. I think it is; I always understood she married a man named Dumas.

Q. And she lives with a man named Gordery, did she, in her early life? A. Well, I don't know whether they lived together or not; when she was going to school she ran off with a man named Gordery and was gone sometime; I don't think she was ever married.

Q. Didn't they live together as husband and wife? A. Well, they went off together, I suppose they did.

Q. Doesn't that constitute marriage under the Cherokee law, when they live together and keep house and hold one another out as husband and wife? A. Yes, sir.

Commissioner Breckinridge: The applicant applies for the enrollment of herself and husband. She is ~~identified upon the roll of 1880~~ not identified upon the roll of 1880, but upon reliable personal testimony she is shown to have been in the Cherokee Nation all her life and her omission from the roll of 1880 doubtless arises from oversight or carelessness. She is identified on the roll of 1898, and she will be listed now for enrollment as a Cherokee by blood.

Her husband is shown to have married her in accordance with Cherokee law in 1886. She states that she has lived with him ever since their marriage. He is a white man. He is identified on the roll of 1898. It appears, however, that the applicant at one time lived with a man named Gordery, and that they held each other out to the world as husband and wife, and that no divorce was ever obtained from that husband, though she obtained a divorce from a later husband. It further appears that Gordery, if he is dead at all, has died only within the last few years, certainly much later than the date when the applicant was married to her present husband. Therefore, the application for the enrollment of her husband will be taken under advisement and for the present will be placed upon a doubtful card, and the final decision of the Commission will be made known to him at his post office address.

Brice G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Brice G. Jones

Sworn to and subscribed before me this 23rd of October, 1900.

R. H. ...

Commissioner.

POOR ORIGINAL -
BEST AVAILABLE COPY

1666

COMMISSION TO THE

FIL
OCT 28 1900

Supl.-C.D.#666.

Department of the Interior,
Commission to the Five Civilized Tribes.

Muskogee, I. T., March 6, 1902.

SUPPLEMENTAL in the matter of the enrollment of STEPHEN DUNCAN
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 15, 1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902; and that on said date he might appear before the Commission in person or by attorney when a opportunity would be given him to introduce any additional testimony affecting his application. He was further notified that the representatives of the Cherokee Nation would also on said date be afforded an opportunity to introduce testimony tending to disprove his right to enrollment as a citizen of the Cherokee Nation, but that said representatives would first be required to notify him of their intention to introduce such testimony before the same would be received by the Commission.

Receipt has been acknowledged of Commission's letter.

The Cherokee Nation by its representatives makes satisfactory proof of service on the said Stephen Duncan that it would on the 6th day of March, 1902, at the offices of the Commission in Muskogee, Indian Territory, introduce testimony in behalf of the Nation tending to disprove his right to enrollment as a Cherokee citizen. The applicant has been called and fails to respond either in person or by attorney.

Mr. Hastings, Cherokee Representative: The representatives of the Cherokee Nation for the purpose of showing the date of the death of Stephen Duncan's wife's first husband, Seban Cordrey, asks that the testimony of Nancy J. Cordrey filed in straight case No. 2027, be filed in and made part of the record in this case.

Commission: The request of the Cherokee Nation will be complied with and the testimony filed and made a part of the record in the case at bar.

The applicant having this day, to-wit: the 6th day of ~~February~~ March, 1902, been called three times and failing to respond either in person or by attorney, the case is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

---000000000---

I, J. O. Rossen, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case, on the above date, and the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rossen
Stenographer.

COMMISSION OF THE DEPARTMENT
Commission to the Five Civilized Tribes.
Buckles, Indian Territory, September 2nd, 1902.

In the matter of the application of Stephen Duncan for the
enrollment of himself as a citizen by intermarriage of the Cherokee
Nation.

Supplemental to D-604.

Appearances:

Applicant appears in person.
Cherokee Nation by J. C. Starr.

STEPHEN DUNCAN, being duly sworn, testified as follows:—
Examination by the Commission.

- Q. What is your name? A. Stephen Duncan.
Q. What is your age at this time? A. 34.
Q. What is your post office? A. Cherokee.
Q. Are you the same Stephen Duncan that applied to this Commission
on October 22nd, 1900, for enrollment as an intermarried citizen?
A. Yes, sir.
Q. Is your wife living? A. Yes, sir.
Q. What is her name? A. Catherine Duncan.
Q. What was her name before you married her? A. Catherine Smith.
Q. Is she a citizen by blood of the Cherokee Nation? A. Yes, sir.
Q. When were you and she married? A. In 1880, February.
Q. Were you ever married before you were married to her?
A. Yes, sir.
Q. How many times had you been married? A. Twice.
Q. Twice before that? A. Once.
Q. She is your second wife? A. Yes, sir.
Q. Your first wife living? A. No, sir.
Q. Dead, was she? A. Yes, sir.
Q. Had she ever been married prior to her marriage to you?
A. Yes, sir.
Q. Was her first husband living or dead? A. She was divorced
from him.
Q. Only been married one time before she was married to you,
was she? A. That is all that I know of.
Q. Have you filed a copy of the decree of divorce? A. Yes, sir.
Q. Have you and your present wife lived together continuously
since your marriage up to the present time? A. Yes, sir.
Q. Were you living together on the first day of September, 1902.
A. Yes, sir.
Q. How long have you lived in the Cherokee Nation? A. Since
1887.
Q. Have you lived in the Cherokee Nation continuously since 1887
up to the present time? A. Yes, sir.
Q. Never made your home out of the nation since then? A. No, sir.
Q. How long has your wife lived in the Cherokee Nation?
and raised here. A. Born
Q. And lived here all her life? A. Yes, sir.
Q. Never lived any where else? A. No, sir.

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

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LIBRARY

STATEMENT OF THE WITNESSES
IN THE CASE OF THE APPLICATION FOR THE CERTIFICATE OF
MARRIAGE OF THE CHEROKEE NATION.

Is the mother of the applicant for the certificate of
marriage stated as a citizen of the Cherokee Nation.
-of 1900-

1111111

The record in this case shows that on October 25, 1900,
the Cherokee Nation appeared before the Commission at Cherokee, Indian
Territory, and made personal application for the certificate, among
others, of Stephen James as a citizen of the Cherokee Nation, among
others. Further proceedings in the matter of said appli-
cation were had at Muskogee, Indian Territory, on June 7, 1900,
and again on September 25, 1900. The other part of the application
is not submitted and is not entered in this record.

The evidence shows that the said Stephen James was law-
fully married on February 11, 1900, to Catherine James, a citizen
of the Cherokee Nation, under authority of a Cherokee
marriage license. It further appears that Catherine James was
married to James B. James about the year 1884 or 1885, and that
the same divorce was granted on August 25, 1900.

It further appears that, prior to her marriage to James B.
James, Catherine James lived with one Jackson Gentry, and he held
her out to the community as his wife, but it is a fact that they were
never lawfully married.

The Supreme Court of the Cherokee Nation, on November 17,
at the case of James James vs. John James, said:
"The evidence in this case shows that the plaintiff and father
James, deceased, had lived together and cohabited for a period
of several years, and it is argued that such living together
and cohabiting constitutes marriage between them according
to the custom among the Cherokee people. Whatever may
have been the custom among the Cherokees, the law of this Terri-
tory of marriage, like all other general laws, applied to all
classes of Cherokee citizens and superseded and annulled customs.
Whether for any reason one not under the law of the Cherokee
Nation constitutes marriage, but the law is consideration of the
offering of such cohabitation in evidence for the termination of
such evidence in the legal marriage of the parties."

Stephen James is identified in the law books and
the fact of his life, and the fact of his marriage to Catherine
James is a fact of the case and is a fact of the case.

It is further shown that the said Stephen James is a
citizen of the Cherokee Nation, and that the said Catherine
James is a citizen of the Cherokee Nation, and that the said
Stephen James is a citizen of the Cherokee Nation.

Yours very truly,

Copies of this letter were sent to the following persons:

Rev. L. Dobson Eureka I. T.

John Gradney "

W. M. Gulehar Ft. Gibson

W. G. Blake, Tahlequah

Nicholas Bittings "

Billings & Billings.

Prescription Druggists

Tablequah, I. T., 2 - 19

1902

J. C. Davis

Dear Sir

I refer you to

Salit Wagon, Robin Beem, Jack
Anderson, John Gladney & Jan
Gladney neighbors of Cardway, living
near him when he died

Yours &
H. B. Billings

Eureka, Cal. Ty.

File 70. 1902.

J C Starr

Messenger & T.

Dear Sir: In reply to
yours of the 17th, I will
say that Leabourne Cordery
died the 15th of Dec. 1899,
and his son, John Cordery,
known as (Lion) and his
son in law, Walter Kelly
can swear to the same.
Both of Eureka, the
Saint Morgan of Eureka St.
knows all about these
people and would be a
good witness in this case.
Very truly - for J. H. H. H. -

-- Drs. BLAKE & BLAKE.

Office Over City Drug Store Rooms 3 and 4. Phone No. 4

Tahlequah, I. T.

2/20

1902

Mr. J. C. Starr

Dear Sir

In answer to your of recent date. I would say that I did not attend Mr. Seaborn Loderay in his last illness.

I think that he was attended by Drs. Charles Harris & Dr. Howard H. Gibson. You can ascertain date of death by writing Mr. J. C. Graham of Gibson

I send statement of Mr. J. C. Gibson

Yours Truly

W. G. Blake

Curran A. S.

Feb 21st 1902

Mr. H. C. Wade

Dear Sir

Your letter

of the 15th inst has been received
and I would say in way of
reply that I have no knowledge
of the exact date of the death
of Mr. Thompson (ambly). or
concerning any thing of a definite
character that you have written
me about him. I would
say however that I am informed
that his body or what is now I
believe a Mrs. (Higdon) lies a few miles
below St. Louis ⁱⁿ the bottom. If you

(2) might
be able to see if you obtain
the information you desire
as she would most certainly
be a good witness in the case.

I did not attend the
funeral of Mr. Nelson (being then
I was away from home I think,
at the time of his death, which
was probably about two years ago.

I am very truly
Yours

Frederic Nelson
Frederic J. F.

I can state that
I was, well acquainted
with Seaborn Leodney
and Catherine McDaniel
who lived in Garing Snake
District Cherokee Nation,
Near Baptist, in 1854 &
up to the war or 1860.

Seaborn Leodney
did not steal Catherine Mc
Daniel from the
Female Seminary, some
time about 1857.

I know not the exact
date when Leodney died.
--William C. Banks

She lived with a man
Hobart
Hobart & Co. deray. I feel
the Capt. and she
he

10 - 11 - 16

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ATTORNEYS

L. B. BELL,

W. W. HASTINGS,

JAMES N. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAVEN COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please refer to this letter in any reply or mention this Number F. D.

STATEMENT BY J. C. STARR.

In the matter of the application of Stephen Duncan.

Catherine Duncan a daughter of Alex McDaniels and Kate Rogers and is enrolled on a straight card and whose name is not upon the authenticated roll of 1880 stated that she lived with a man by the name of Seabourne Corderay as her husband and that they held each other out to the community as husband and wife they lived together in this way for a while and then finally quit. She never obtained any divorce from Seabourne Corderay she then married Ed Marsh in 1884 or 5 and he left her in 1886 and may be living yet he obtained a divorce from her August 29th, 1887, she then married Stephen Duncan February 11th, 1888, and still lives with him, Duncan had been previously married, to Catherine Duncan says that his first wife was dead when he married Catherine. Catherine Duncan says that she heard Seabourne Corderay died two years ago before October 1900, "this being the fact of her testimony". It seems that we should prove the date of the death of Seabourne Corderay, and if he died since Feb. 11th, 1888, Stephen Duncan would not be entitled to enrollment.

ATTORNEYS

L. R. BELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

Washington, I. T., Feb. 20, 1908.

John J. Green, Esq.,

Clarendon, I. T.

Dear Sir:

Enclosed herewith is a Notice to be served on Stephen Green for the taking of testimony at Muskogee on March 10th, 1908; and also a notice to be served on William B. Parker for the same date. Please serve a copy of ~~xx~~ these notices on each of these parties, and after your return on the other copies, appear to take before a Notary Public and return to us by early mail, and oblige,

Yours truly,

COMMISSIONERS
HUNLEY J. DAWES
JAMES HUNTER
EDWARD H. HUNTER
R. H. HUNTER

ALLISON J. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 666.

Muskogee, Indian Territory, November 17, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 27, 1902, granting the application of Catherine Duncan for the enrollment of Stephen Duncan as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

[Signature]
Commissioner in Charge

Acting Chairman.

Enclosure H. No. 13.

~~James H. H. H.~~

- 1. Original testimony Oct 22 1900.
- 2. Memo of application Oct 22 1900.
- 3. Marriage license certificate.
- 4. Notice of final consideration 3/16/02

~~Recd of~~

~~Proof of service of notice 3/16/02~~

~~Order for return of property 3/16/02~~

~~Original test now being in exchange~~

~~See Exhibit marked 4730~~

Cher D 667

Cher D 667

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Claremore, I.T. October 22nd, 1900.

IN THE MATTER OF THE APPLICATION OF JAMES P. FLIPPIN FOR THE
ENROLLMENT OF HIMSELF, HIS WIFE AND CHILDREN AS CHEROKEE CITIZENS.

The said James P. Flippin, being sworn and examined by Commissioner
T. B. Needles, testified as follows:

Q What is your name? A James P. Flippin.

Q How old are you? A Thirty years past.

Q What is your post office address? A Claremore.

Q What district do you live in? A Coconino.

Q Are you a recognized citizen of the Cherokee Nation? A
No, sir.

Q For whom do you apply for enrollment? A Well, yes I am
by adoption.

Q Who do you want to enroll? A I want to enroll myself and my
wife and two children.

Q What is the name of your wife? A Mary Lane Little, it
was. It is now Flippin.

Q Have you a certificate of marriage? A Yes, sir.

THE COMMISSIONER: The applicant presents a duly authenticated mar-
riage license and certificate of marriage, certifying that he was
married to one Miss Lanie Little, a citizen of the Cherokee Nation, on
the 13th day of September, 1894.

Q She was a citizen by blood? A Yes, sir.

Q How old is she? A She is twenty-five.

Q What is her father's name? A William Little.

Q Is he living? A Yes, sir.

Q What is her mother's name? A Theresa.

Q Is she living? A No, sir.

Q Was she a white person or an Indian? A She was an Indian.

Q William Little was a white man? A Yes, sir.

Q What are the names of your children? A The first
one is named Mary Theresa.

Q How old is she? A She is four years old.

Q The next one? A The next one is Rachel.

Q How old is Rachel Flippin? A Rachel is one year old.

Q The next child? A That is all.

Q Have you got proof of birth as to this child? A Why the eldest
one is on the 1896 roll.

THE COMMISSIONER: The applicant presents satisfactory proof of
birth as to Rachel Flippin, a child one year old, whose name does not
appear upon the census roll of 1896, having been born after the same
was compiled.

Applicant also presents a satisfactory certified copy of a certifi-
cate of admission to Cherokee citizenship issued by the Commission on
citizenship on the 30th day of January, 1893 in case No. 116. Said cer-
tificate being signed by Thomas TeHee, president of the commission, Alex-
ander Wolfe and T. W. Thompson, Commissioners. Attested by D. W.
C. Duncan, Clerk. The copy being certified to as a true copy of the
original by D. W. C. Duncan, Clerk of the Commission under date of
January 30th, 1893. The same certifies that one Mary Little, a Cherokee
by blood was admitted to all the rights of Cherokee citizenship on
the 30th day of January, 1893.

Q Is the Mary Little mentioned in this certificate your wife? A
Yes, sir.

Q Were you an applicant for citizenship before the Dawes commission? A Yes, sir.

Q Were you refused or not? A Why, I guess we was refused by the Commission? A Part of them was and part of them wasn't. We was refused before Springer.

Q Have you been living with your wife continuously since you married her? A Yes, sir.

Q Is she your first wife? A Yes, sir.

Q I don't see what you ever applied to the Dawes commission for. A That was a long time ago. It was in 1896. I don't know for certain whether my name went before the Dawes Commission or not.

Q You were denied by the Dawes commission in 1896. You were denied as the son of John C. Flippin. A Yes, sir.

Q Now, you are applying as an intermarried man? A Yes, sir.

Q Are those children of your said wife and living with you at this time? A Yes, sir.

Q How long have you lived in the Cherokee Nation? A Sixteen years.

Q How long has your wife lived here? A She has lived here ever since about 1883, 82 or '3, somewhere along there.

Q Was she here when she was readmitted? A Yes, I guess so.

Q Has she been living here ever since? A Well, she has been living here ever since I mother in 1886.

Q She was admitted in 1882? A Yes, sir.

Q You don't know when she moved to the Cherokee Nation? A No, sir.

Q Is she here? A She is at home.

Q Was she living here in 1898? A Yes, sir.

1896 Roll, page 304, No. 360, James W. Flippin, Cooweescoowee District.

1896 Roll, page 157, No. 1740, Mary L. Flippin, Cooweescoowee District.

1896 Roll, page 157, No. 1741, Mary T. Flippin/ Cooweescoowee District.

THE COMMISSIONER: The name of James Flippin is found upon the census roll of 1896 as well as the name of his wife Mary L., and his child Mary T. He presents satisfactory proof of birth as to his younger child, Rachel, whose name does not appear upon the census roll of 1896. He presents satisfactory proof of his marriage to one Mary L. Little, in the month of September 1894, and he also presents a certificate of admission certifying that his wife was admitted to citizenship in the year 1882. He also makes satisfactory proof of his residence, as well as that of his wife.

Upon examination of the records of the Dawes Commission, I find that in Dawes Commission case No. 8343, the mother of the applicant, Mary J. Flippin applied to said Commission to be enrolled as a citizen by blood, at the same time applying for her children, among whom was the applicant, James Pugett Flippin, at that time twenty-six years of age; and the applications of the said Mary J. Flippin for the enrollment of herself and children as Cherokee citizens by blood was denied, and the judgment of said Commission was sustained by the United States Court upon an appeal taken by said applicants to said Court.

The applicant now applies for enrollment as an intermarried citizen, he having been married to Mary L. Little, a citizen by blood, in the year 1894. Because of the fact that the records of this Commission of the year 1896 show that the said James Pugett Flippin was denied admittance as a Cherokee citizen by blood, final judgment as to the enrollment of the said James F. Flippin will be suspended and his name will be placed upon a doubtful card.

RECEIVED
OCT 11 1900
The name of his wife Mary E., and her children Mary F., and Rachel,
will be duly listed for enrollment as Cherokee citizens by deed.

(See Court case No. 345 and case No. 300. Jones commission Case No. 3342,
page 404, Pocket B.)

The undersigned, being sworn, states that as stenographer to the
commission to the five Civilized Tribes he correctly recorded the tes-
timony and other proceedings in this application for enrollment and
that the foregoing is a correct and complete transcript of his
stenographic notes thereof.

W. J. McKeen
Subscribed and sworn to before me this 24th day of October A. D.
1900.

W. J. McKeen
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 24 1890

8667

TO THE CHIEF OF BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.

FROM THE CHIEF OF BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.

RECEIVED
OCT 24 1890

[Handwritten signature]

[Handwritten signature]

Supl)-G.D.#667.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 6, 1902/

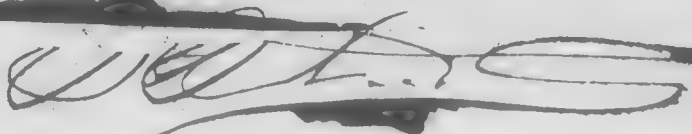
SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
JAMES F. SWAPPIN as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 15, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902. The applicant this day, to-wit: the 6th day of March, 1902, appears by his Attorney, J. M. LaHay.

Mr. W. W. Hastings, Cherokee Representative, present.

The Attorney for the applicant in behalf of the applicant and attorney for the Cherokee Nation present in behalf of the Cherokee Nation submit the case to the Commission, and the same will be ordered closed and reported to the Commission for a final decision based upon the evidence now of record.

The Attorney for the applicant requests and will be granted 20 days in which to file a brief in the case, one copy with the Commission and one copy with the Cherokee Nation.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James F. Flippin for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N .

—00—

The record in this case shows that on October 23, 1900, the applicant, James F. Flippin appeared before the Commission at Claremore, Indian Territory, and then and there made personal application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Mary L. Flippin and his two minor children Mary T. and Rachel Flippin as citizens by blood of the Cherokee Nation. Mary L. Flippin and her two children Mary T. and Rachel have been listed for enrollment on Cherokee roll card, Field No. 4751, and their application is not considered at this time.

It appears from the evidence that James F. Flippin was lawfully married to Mary L. Little, a citizen of the Cherokee Nation, on September 30, 1894, under Cherokee license, in accordance with the tribal laws of the Cherokee Nation, and that he has lived with his said wife in said Nation continuously since his marriage to her up to and including ~~that~~ date of this application.

It appears from the records of this Commission that James F. Flippin in connection with others filed his original petition for admission to citizenship by blood in the Cherokee Nation with the Commission to the Five Civilized Tribes under the Act of Congress, June 10, 1896, (29 Stats., 321), which was denied by the Commission and an appeal was perfected to the United States Court in the Indian Territory, and the said Court by its judgment duly entered of record affirmed the decision of the Commission as to this applicant and

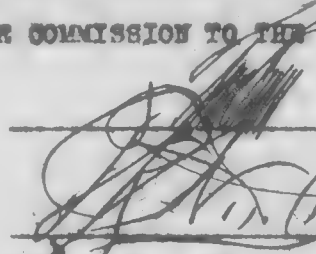
-2-

denied him admission to citizenship by blood in the Cherokee Nation. The judgment under the Act of June 10, 1896, denying the applicant admission to citizenship by blood does not bar him from enrollment at this time as a citizen by intermarriage of the Cherokee Nation.


The authority of the Commission herein is defined in Paragraph 1, Sec. 21, of the Act of Congress, June 20, 1898 (30 Stat., 498):

It is therefore the opinion of the Commission that James F. Flippin is lawfully entitled to be enrolled as a member by intermarriage of the Cherokee Tribe of Indians in Indian Territory, and that his application for enrollment as such should be granted, and it is so ordered.


THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

Dated at Muskogee, Indian Territory,

this MAY 20 1902

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee, I. T. June 3rd 1902.

In the matter of the application of James F. Flippin for enrollment as a citizen of the Cherokee Nation by intermarriage.

Cherokee D 667.

Protest of the Cherokee nation.

The Cherokee nation respectfully asks for an appeal from the decision of the Commission rendered on May 20th 1902 in the above case and that the same be forwarded to the Honorable Secretary of the Interior for review.

The testimony in this case shows that James F. Flippin is a white man, that he married a Cherokee woman by blood on September 30th 1894 in accordance with the laws of the Cherokee nation, that he applied to the Commission to be enrolled as a citizen of the Cherokee nation in 1896, that his application was denied by the Commission that an appeal was taken to the United States Court for the Northern District of the Indian Territory where he was also denied and an appeal taken to the Supreme Court of the United States where he was finally denied.

The Cherokee nation contends that the decision of the court upon appeal from the Commission was that the applicant was not a citizen of the Cherokee nation and that this case is res judicata. The only question which the applicant can now raise is the question of the jurisdiction of the Commission in 1896 or the court on appeal. If the Commission and court had jurisdiction of the person and subjectmatter no other question can be raised now.

The question before the court was, was he entitled to enrollment as a citizen of the Cherokee nation and the applicant then and there had an opportunity to present all of his testimony of every kind and character tending to show anything that would entitle him to be enrolled as a citizen of the Cherokee nation and if he failed to produce all of his proof certainly he is estopped by that final judgment from introducing further proof. He was married in 1894 but he chose in 1896 to apply as a Cherokee by blood; he made his own election; he produced his own proof, if he had

as desired he could have then introduced his marriage record of 1894 but he did not see fit to do it. He was denied citizenship by the Commission and the court upon appeal adjudged that he was not a citizen of the Cherokee nation and the Cherokee nation contends that he is estopped now from introducing any proof to set aside this judgment unless it be first proof tending to show that the court had no jurisdiction or second that the judgment against him was obtained through fraud. but he does not assert either, it was admitted that the court had jurisdiction and no averment of fraud is raised. If it can be said now that the applicant has a right to introduce additional proof as to his citizenship then the applicant can make as many claims to be enrolled as a citizen of the Cherokee nation as there are different classes of citizenship in the Cherokee Nation and there is no such a thing as res judicata; no such a thing as a final judgment; no end to the settlement of citizenship cases in the Cherokee Nation.

Respectfully Submitted,

W W Hastings Jr

Attorney for the Cherokee nation.

COMMISSIONER
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

D- 667.

ATTENTION: ASSISTANT
SECRETARY

Muskogee, Indian Territory, May 21, 1902.

W. V. Hastings, Esq.,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

Enclosed herewith, please find a copy of the decision of the Commission rendered May 20, 1902, in the matter of the application of James F. Flippin for enrollment as a citizen of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the above named person as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Very respectfully,

Commissioner in Charge.

Enc. D-667.

CDR

COMMISSIONERS

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

HEREIN IN REPLY TO THE FOLLOWING

Cher. D 667.

ALLISON I. AYLESWORTH,
SECRETARY

Muskogee, Indian Territory, July 16, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of May 20, 1902, granting the application of James F. Flippin for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of July, 1902.

Yours truly,



Acting Chairman.

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Denied by U.S.

Count and appeal

JD

ATTORNEYS:

L. B. BELL,

W. W. HASTINGS,

JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number: C D 667

STATEMENT BY J. C. STARR.

James F. Flippin, C D 667. A certificate of admission on file, dated January 30th, 1882, showing that Mary Little was admitted by the Teehee Court. A regular Cherokee Marriage licence on file, dated September 28th, 1894, and a marriage certificate showing that James F. Flippin was married September 30th, 1894.

James F Flippin was an applicant for enrollment in 1896, but was rejected by the United States Court on appeal and his right to enrollment now is questionable, on account of the judgment against him in 1896, to the effect that he is not a citizen of the Cherokee Nation.

CHEROKEE D. 667

James F. Gilpin

Transferred to Cherokee 9471

Cher D 668

Cher D 668

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Claremore, I.T. October 23rd, 1900.

IN THE MATTER OF THE APPLICATION OF ELIZABETH TRIMBLE FOR THE
ENROLLMENT OF HERSELF AND CHILD AS CHEROKEE CITIZENS.

The said Elizabeth Trimble, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Elizabeth Trimble.
Q How old are you? A Twenty-nine years old.
Q What is your post office address? A Muskogee.
Q What district do you live in? A Cooweescoowee when I am at home.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q What degree of blood do you claim? A I can't tell that.
Q What was your father? A My father was a full blood.
Q And your mother? A My mother half.
Q Who do you want to enroll? A Well, I have a child.
Q Do you want to enroll your self? A Yes, sir, my self, and I want to enroll a child too.
Q What is the name of the child? A Eddie Ross.
Q How old is he? A He is fifteen years old. the 28th of this month.
Q What is your father's name? A Dave Blackbird.
Q Your mother's name? A Melissa Ross.
Q Is your father living? A No, sir; my father is dead.
Q Is your mother living? A Yes, sir.
Q What is her name? A Melissa Ross now.
Q Are you married? A Yes, sir.
Q What is your husband's name? A James Trimble.
Q Is he an Indian or a colored man? A He is a colored man.
Q You don't apply for him? A No, I don't know anything about it.

Q Have you any certificate of marriage? A I have by the United States.
Q Well, where is it? Have you got it with you? A No, sir.
Q Have you always lived in the Cherokee Nation? A Yes, sir.
Q You were born there? A Yes, sir.
Q You are living in the Cherokee Nation now? A No, sir; I live in the Creek Nation now.
Q How long have you lived there? A About six years.
Q Where? A At Muskogee.
EXAMINATION By Mr. Cale Starr, Representative of Cherokee Nation.
Q Were you ever enrolled on any of the rolls of the Creek Nation?
A No, sir.
Q Was your father dead before 1860? A I don't know. I was a child when he died.
Q Is your mother living now? A Yes, sir.
Q Where is your mother? A She is right there. (indicating)

MELISSA ROSS, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Melissa Ross.
Q How old are you? A I guess about forty-nine years old.
Q What is your post office? A Claremore.
Q Are you the mother of Elizabeth Trimble? A Yes, sir.
Q Are you a Cherokee citizen by blood? A Yes, sir.

Q How long have you lived in the Cherokee Nation? A Well, I have lived here ever since I can remember.

Q Is your name on the roll of 1880? A Yes, sir.

Q What was your father's name? A My father's name was Abraham Orange.

Q What was your mother's name? A Knight.

Q Is she dead? A Yes, she died long ago.

Q Your name does not appear on the roll of 1880. A It must have been a mistake. My name was Ross in 1880.

Q Where were you in 1880? A I lived here in Cooweescoowee District.

Q What was your husband's name? George Ross? A Yes, sir.

Q Were you ever married to Blackbird? A Yes, sir.

Q Before Ross? A Oh, yes, he was my first husband.

Q Your husband, George Ross was a colored man? A Yes, sir.

Q Your mother was an Indian? A Yes, sir.

Q Your mother's name was what? A Katie Knights.

Q Do you know of anybody here that knew your mother? A Why, there is one man, but I don't know whether he is in town or not.

1880 Roll, page 76, No. 423, Eddie Blackbird, Cooweescoowee District. (Freedman Roll.)

Q You were not living in the Cherokee Nation in 1896, four years ago? A No, sir.

Q You are not on the 1896 roll, then? A I went to Tahlequah and had my name put on the roll during the council in 1896.

Q Did you draw money in 1896? A Yes, sir; I have drawn money all my life.

Q Where did you draw money? A Here in Claremore in the Cherokee Nation.

Q Was your money drawn by F. A. Neilson in 1894? A Yes, sir.

Q Who is Kate Blackbird? A She is my sister.

1894 Roll, page 129, No. 294, Lizzie Blackbird, Cooweescoowee District.

Q Who is this Eddie Ross? A My child.

Q That child was born to you before your marriage, was it?

A Yes, sir.

1896 Freedman Roll, page 415, No. 440, Eddie Ross, Cooweescoowee District.

THE COMMISSIONER: The name of Elizabeth Trimble is found upon the Colored Freedman roll of 1880 as Elizabeth Blackbird. Her name is also found upon the Cherokee Roll of 1894. The name of her child Eddie is found upon the census roll of 1896 as Colored. She avers that her mother is Melissa Ross, a Cherokee by blood, and she also avers that the mother of said Melissa Ross was a Cherokee by blood. Her present husband, one James Trimble, is a colored man. She avers that her father, Dave Blackbird, was a Cherokee Indian by blood. She also avers that her mother, Melissa Ross, is an Indian by blood, and comes Melissa Ross and testifies that her mother was a Cherokee Indian. No proof is made as to the citizenship of her mother, that is as to the mother of Melissa Ross. The evidence not being satisfactory as to the citizenship of the applicant, as to whether she is colored or Indian by blood, final judgment as to her enrollment and that of her child will be suspended, awaiting proof as to the nationality of the mother of Melissa Ross, Melissa Ross being the mother of the applicant, and final judgment as to the application for the enrollment of her child Eddie Ross, will be suspended for a like reason.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony.

timony and other proceedings in this application for enrollment,
and that the foregoing is a correct and complete transcript of his
stenographic notes thereof.

Subscribed and sworn to before me this 24th day of October A. D.
1900.


Commissioner.

2668

DEPT OF THE INTERIOR
THE FIVE CIVILIZED TRIBES.
FIELD
OCT 24 1900

ACTING CHIEF

CHIEF

(A)

SUPPLEMENTAL TESTIMONY.

Malissa Ross DCHISTFUL 668.
Elizabeth Trimble 668.
Ratie Vann 670.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHAMBERS, I.T., COMMISSION 27th, 1900.

SUPPLEMENTAL Testimony in the matter of the applications of Malissa Ross, D. 668, Elizabeth Trimble, D. 668, and Ratie Vann, D. 670, for enrollment as citizens of the Cherokee Nation.

WILLIAM BROWNINGBEAR, being first duly sworn, testified as follows: EXAMINATION BY THE COMMISSION:

- Q What is your name? A William Browningbear.
Q What is your age? A 36 as near as I can get at it.
Q What is your past office address? A Collinsville.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir/

INTERROGATORIES BY JOHN C. STAHR, Cherokee Representative:

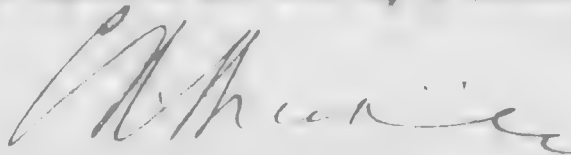
- Q Do you know Malissa Ross? A Yes, sir.
Q Did you know her mother? A Yes, sir, I knew her father and mother both.
Q What was her mother's name? A Kate Nice.
Q What was the citizenship of Kate Nice? A Cherokee I guess.
Q Was she a Cherokee by blood? A Yes, claimed to be.
Q Do you know that she was or was not a slave? A No, she was no slave.
Q Was she always recognized as a Cherokee by blood? A She was always recognized as a Cherokee.
Q By blood? A Yes.
Q Did you go to school with her? A Malissa I did.
Q Was Malissa Ross recognized as a citizen of the Cherokee Nation at that time? A Yes, sir, she was.
Q By blood? A Yes.
Q What was the citizenship of the father of Malissa Ross? A He was just half negro and half Cherokee by blood. He was a Freedman.
Q Never was a slave? A Not as I know of.

---S22000000---

J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Reason

Subscribed and sworn to before me this 20th day of October, 1900.



Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

OCT 11 1891

OCT 22 1891

THE SECRETARY OF THE INTERIOR

WASHINGTON, D. C.

TO THE COMMISSIONERS OF THE FIVE CIVILIZED TRIBES

AND TO THE CHIEFS OF THE SEVERAL TRIBES

OF THE FIVE CIVILIZED TRIBES

TO BE HELD AT THE CAPITAL CITY OF THE TERRITORY OF ARIZONA

ON THE 11TH DAY OF OCTOBER 1891

AT THE CITY OF PHOENIX

IN THE TERRITORY OF ARIZONA

TO BE HELD AT THE CAPITAL CITY OF THE TERRITORY OF ARIZONA

ON THE 11TH DAY OF OCTOBER 1891

AT THE CITY OF PHOENIX

IN THE TERRITORY OF ARIZONA

TO BE HELD AT THE CAPITAL CITY OF THE TERRITORY OF ARIZONA

ON THE 11TH DAY OF OCTOBER 1891

AT THE CITY OF PHOENIX

Filed with Cherokee D. 668 Elizabeth Trimble.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., September 5, 1901.

In the matter of the application of Malissa Ross for
enrollment as a Cherokee by blood.

Supplemental testimony on behalf of Applicant.

Appearances

W. W. Hastings of counsel for Cherokee Nation.

Columbus Lasley, being duly sworn and examined by Commissioner
Needles, testified as follows:

- Q What is your name? A Columbus Lasley.
Q What is your age? A 53.
Q What is your postoffice? A Tahlequah.
Q You a citizen of the Cherokee Nation? A Yes, sir.
Q Do you know Malissa Ross, the applicant? A Yes, sir.
Q How long have you known her? A I have known her about thirty
years.
Q Did you know her mother? A Yes, sir.
Q What was her mother's name? A Katie Knight, the name I knowed
her by.
Q What was the citizenship of the mother of the applicant?
A. She was a Cherokee.
Q She was a Cherokee by blood, was she? A Yes, sir.
Q How long did you say you knew the applicant? A About thirty
years, I guess.
Q Has she always lived in the Cherokee Nation? A Ever since my
knowing.
Q Has she been recognized as a Cherokee citizen? A Yes, sir.
Mr. Hastings: Was there any dispute about her mother? A No, sir,
not that I know of.
Q You knew her well? A Yes, sir.
Q How far did she live from you? A She lived right up here on
Fourteen Mile Creek.

Upon an examination of the roll of 1880, a note opposite
the name of Malissa Ross says: "On Census 1865 as a native
Cherokee, No. 1510.

Bruce C. Jones, being duly sworn, says that as stenographer
to the Commission to the Five Civilized Tribes he correctly recorded
the proceedings and testimony in the above case, and the foregoing
is a true and correct transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 3rd of September, 1901.

T. B. Needles,
Commissioner.

I, Margaret Crutinger, do hereby certify that as stenographer
to the Commission to the Five Civilized Tribes I made the foregoing
copy and that same is a true and complete copy of the original
transcript.

Margaret Crutinger

SUPPLEMENTAL: CH. ROWE D - 222.568.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., Sept. 26, 1901.

In the matter of the application for the enrollment of JOHN B. JOHNSON as a Cherokee citizen by blood.
JOHN B. JOHNSON, being sworn and examined by Commissioner Needles, testified as follows:

Appearances:

Applicant, John B. Johnson, in person.
W. W. Hastings, for the Cherokee Nation.

TESTIMONY ON BEHALF OF THE APPLICANT.

- Q What is your name? A John B. Johnson.
Q Are you the John B. Johnson that Samuel W. Pettit applied to have enrolled at Bartlesville? A Yes sir.
Q Any statement you desire to make in regard to this matter you can make it? A I am living in in the Osage Nation in place of Oklahoma, and I also have a farm over here and have been running it ever since I left the nation; kept my tenant on it.
Q Your post-office is Pawhuska, Osage nation? A Yes sir.
Q You are not a resident of Oklahoma? A No sir.
Q Have you ever been a resident of Oklahoma? A No sir.
Q The statement made by Mr. Pettit then that your post-office is Pawhuska Oklahoma is not correct is it? A No sir.
Q Should have been Osage nation? A Yes sir.
Q Anything further you desire to say in regard to that? A I just want to say that part of it changed.
Q You own a farm in the Cherokee nation? A Yes sir, never have moved my effects out.
Q You have a family? A Yes sir, they are part Osage; my family are
Q Your wife an Osage? A Yes sir.

Commissioner Needles: This will be filed with D card 568.

D. Groe, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this October 2nd, 1901.

C. R. Beecham

Commissioner.

129 D

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

5 1901

ACTING CHAIRMAN.

Cherokee D 668

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Elizabeth Trimble for the enrollment of herself and her minor child, Edward Ross, as citizens by blood of the Cherokee Nation.

D E C I S I O N

The record herein shows that on October 23, 1900, Elizabeth Trimble appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of herself and her minor child, Edward Ross, as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Claremore, Indian Territory, on October 27, 1900.

The evidence in this case shows that Elizabeth Trimble is identified on the Cherokee authenticated tribal roll of 1880 as a freedman, and she is also identified on the 1896 Strip payment roll, her child, Edward Ross is identified on the 1896 Cherokee Census roll as a Cherokee freedman. It appears however, that the applicants are Cherokees by blood. Elizabeth Trimble is the daughter of one Malissa Ross, who is an applicant for enrollment. It appears from an examination of the Commission's records that the Commission, on June 11, 1902, rendered a decision enrolling the said Malissa Ross as a citizen by blood of the Cherokee Nation, her enrollment number being 9620.

The evidence further shows that the said Elizabeth Trimble has resided in Indian Territory all her life and the residence of her child, Edward Ross, who is a minor, is considered to be that of his mother.

It is, therefore, the opinion of this Commission that Elizabeth Trimble and Edward Ross should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495) and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this JAN 15 1901

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-668.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 15, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 15, 1903, granting the application of Elizabeth Trimble for the enrollment of herself and her minor child, Edward Ross, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman
Commission to the Five Civilized Tribes

Enc. H-1.

Elizabeth Trimble
et al.

(1) Original testimony Oct 23 1900

1 Memo. of application Oct 23 1900

(2) Supplemental testimony Oct 24 1900

2 Copies of testimony from the case
of Malissa Rose 9/3/00

See Card

Cher D 669

Cher D 669

Department of the Interior,
Commission to Study Civil Liberties,
Washington, D.C., October 25, 1940.

In the latter part of the application of Ball on Road, the following statement of the results of a 1000 ft. run is given; but a second run was made by the method of a 1000 ft. run, the results are as follows:

[illegible][illegible][illegible]

Moyle

Phila.

POOR ORIGINAL -
BEST AVAILABLE COPY

DEPARTMENT OF THE INTERIOR
MISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 23 1900



ACTING CHAIRMAN

6578

SUPPLEMENTAL TESTIMONY.

Malissa Ross BOWTHER, D. 449.
Elizabeth Trimble " 458.
Katie Vann " 470.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CLARKSBURG, I.T., OCTOBER 27th, 1900.

EXPERIMENTAL Testimony in the matter of the applications of
Malissa Ross, D. 449, Elizabeth Trimble, D. 458, and Katie Vann,
D. 470, for enrollment as citizens of the Cherokee Nation.

WILLIAM BROWNINGER, being first duly sworn, testified
as follows: EXAMINATION BY THE COMMISSION:

- Q What is your name? A William Browningbear.
Q What is your age? A 58 as near as I can get at it.
Q What is your post office address? A Collinsville.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir/

INTERROGATORIES BY JOHN C. HEARN, Cherokee Representative:

- Q Do you know Malissa Ross? A Yes, sir.
Q Did you know her mother? A Yes, sir, I knew her father and
mother both.
Q What was her mother's name? A Kate Rice.
Q What was the citizenship of Kate Rice? A Cherokee I guess.
Q Was she a Cherokee by blood? A Yes, claimed to be.
Q Do you know that she was or was not a slave? A No, she was no
slave.
Q Was she always recognized as a Cherokee by blood? A She was
always recognized as a Cherokee.
Q By blood? A Yes.
Q Did you go to school with her? A Malissa I did.
Q Was Malissa Ross recognized as a citizen of the Cherokee Nation
at that time? A Yes, sir, she was.
Q By blood? A Yes.
Q What was the citizenship of the father of Malissa Ross? A He
was just half negro and half Cherokee by blood. He was a Freedman.
Q Never was a slave? A Not as I knew of.

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J. O. Reason, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes, he correctly
recorded the testimony and proceedings in this case and that the fol-
lowing is a true and complete transcript of his stenographic notes
thereof.

J. O. Reason

Subscribed and sworn to before me this 29th day of October, 1900.

W. H. Hearn

Commissioner.

POOR ORIGINAL -
BEST AVAILABLE COPY

RECEIVED BY THE
COMMISSIONER OF THE INTERIOR

SEP 11 1900

OCT 24 1900



28669

Supplemental, Cherokee, B-300.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 3, 1901.

In the matter of the application of Malissa Ross for enrollment
as a Cherokee by blood:

Supplemental testimony on behalf of Applicant.

Appearances:

Applicant present in person;

W. V. Hastings, of counsel for Cherokee Nation.

Columbus Lasley, being duly sworn and examined by Commissioner
Needles, testified as follows:

Q What is your name? A Columbus Lasley.

Q What is your age? A 33.

Q What is your postoffice? A Tahlequah.

Q You a citizen of the Cherokee Nation? A Yes, sir.

Q Do you know Malissa Ross, the applicant? A Yes, sir.

Q How long have you known her? A I have known her about thirty
years.

Q Did you know her mother? A Yes, sir.

Q What was her mother's name? A Katie Knight, the name I knowed
her by.

Q What was the citizenship of the mother of the applicant?

A She was a Cherokee.

Q She was a Cherokee by blood, was she? A Yes, sir.

Q How long did you say you knew the applicant? A About thirty
years, I guess.

Q Has she always lived in the Cherokee Nation? A Ever since my
knowing.

Q Has she been recognized as a Cherokee citizen? A Yes, sir.

Mr. Hastings: Was there any dispute about her mother? A No, sir,
not that I know of.

Q You know her well? A Yes, sir.

Q How far did she live from you? A She lived right up here on
Fourteen Mile Creek.

Upon an examination of the roll of 1880, a note opposite the
name of Malissa Ross says: "On Census 1888 as a native
Cherokee, No. 1510."

Bruce G. Jones, being duly sworn, says that as stenographer to
the Commission to the Five Civilized Tribes he correctly recorded the
proceedings and testimony in the above case, and the foregoing is a
true and correct transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 3rd of September, 1901.

J. B. Jones

Commissioner.

6669

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

SEP 1901

TO THE COMMISSIONERS OF THE BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.

REPORT OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES
IN THE YEAR 1901

977

Cherokee D-669.

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of Malissa Ross for enrollment as a citizen of the Cherokee Nation.

—O—

On the 23rd day of October, 1900, Malissa Ross appeared before the Commission to the Five Civilized Tribes and made application for enrollment as a citizen by blood of the Cherokee Nation.

At the conclusion of the evidence offered at that time the name of Malissa Ross was placed upon a doubtful card, awaiting proof of her citizenship as a Cherokee by blood.

Further evidence has been submitted to this Commission and the following decision is rendered:

D E C I S I O N .

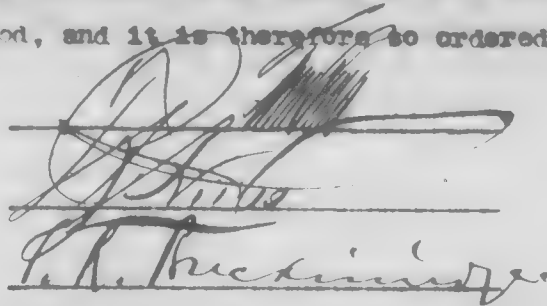
From the evidence of record in this case it appears that Malissa Ross has resided in the Cherokee Nation all her life; that she is identified on the 1880 authenticated tribal roll of the Cherokee Nation as a freedman and on the 1896 census roll as a freedman. It further appears that the father of Malissa Ross was a colored man and her mother, a Cherokee by blood.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit

all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

In view of the facts and the law in this case it is considered that Malissa Ross is entitled to be enrolled as a citizen of the Cherokee Nation, by blood, and it is therefore so ordered.

Two handwritten signatures are present, each written over a horizontal line. The top signature is more stylized and difficult to decipher, while the bottom signature appears to read "P. H. Richardson".

Commissioners.

Dated at Muskogee, Indian Territory,

JUL 11 1902.

CR

COMMISSIONERS

HENRY I. DAVIS
JAMES H. COY
THOMAS H. BROWN
C. R. HILL, JR.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-669.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 11, 1902.

W. W. Hastings, Esq.,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

Inclosed herewith please find copy of a decision of the Commission, rendered the 11th day of July, 1902, granting the application of Malissa Ross for the enrollment of herself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. H-12.

10 669

~~Memorandum~~

A. Original testimony. Oct 23 1900

B. Mem. of application Oct 23 1900

C. Supplemental testimony. Oct 27-1900

D. Supplemental testimony Sept 3 1901.

S. L. Carroll

Cher D 670

Cher D 670

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I.T., October 21, 1901.

In the matter of the application of Karin Vonn for the enrollment of her son as a Canadian citizen; being hereby referred to the Board of Canadian Citizenship Commissioners;

1. 11 year old. A. Young blackbird.
 2. 11 year old. A. 27.
 3. 11 year old. A. 27.
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[illegible]

the testimony of a regularly admitted witness that the particular is a fact is not sufficient to establish the fact.

Madison

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Constantine.

8670

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 23 1880



ACTING CHAIRMAN

SUPPLEMENTAL TESTIMONY.

Malissa Hess BOUNTFUL 460.
Elizabeth Trimble " 468.
Katie Vann " 470.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CLARKSBURG, I.T., OCTOBER 27th, 1900.

SUPPLEMENTAL Testimony in the matter of the applications of
Malissa Hess, D. 460, Elizabeth Trimble, D. 468, and Katie Vann,
D. 470, for enrollment as citizens of the Cherokee Nation.

WILLIAM DROWNINGBEAR, being first duly sworn, testified
as follows: EXAMINATION BY THE COMMISSION:

- Q What is your name? A William Drowningbear.
Q What is your age? A 55 as near as I can get at it.
Q What is your post office address? A Collinsville.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir/

INTERROGATORIES BY JONE C. STARR, Cherokee Representative:

- Q Do you know Malissa Hess? A Yes, sir.
Q Did you know her mother? A Yes, sir, I knew her father and
mother both.
Q What was her mother's name? A Kate Rice.
Q What was the citizenship of Kate Rice? A Cherokee I guess.
Q Was she a Cherokee by blood? A Yes, claimed to be.
Q Do you know that she was or was not a slave? A No, she was no
slave.
Q Was she always recognized as a Cherokee by blood? A She was
always recognized as a Cherokee.
Q By blood? A Yes.
Q Did you go to school with her? A Malissa I did.
Q Was Malissa Hess recognized as a citizen of the Cherokee Nation
at that time? A Yes, sir, she was.
Q By blood? A Yes.
Q What was the citizenship of the father of Malissa Hess? A He
was just half negro and half Cherokee by blood. He was a Freedman.
Q Never was a slave? A Not as I know of.

---oneO00000s---

J. O. Benson, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes, he correctly
recorded the testimony and proceedings in this case and that the fol-
lowing is a true and complete transcript of his stenographic notes
thereof.

J. O. Benson

Subscribed and sworn to before me this 27th day of October 1900

A. H. ...

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
P. M. L. R. 13
OCT 29 1900

664

Filed with Cherokee B, 670 Katie Vann.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., September 3, 1901.

In the matter of the application of Malissa Ross for enrollment
as a Cherokee by blood.

Supplemental testimony on behalf of Applicant.

Appearances:

Applicant present in person:

W. W. Hastings, of counsel for Cherokee Nation.

Columbus Lasley, being duly sworn and examined by Commissioner
Needles, testified as follows:

Q What is your name? A Columbus Lasley.

Q What is your age? A 53.

Q What is your postoffice? A Tahlequah.

Q You a citizen of the Cherokee Nation? A Yes, sir.

Q Do you know Malissa Ross, the applicant? A Yes, sir.

Q How long have you known her? A I have known her about thirty
years.

Q Did you know her mother? A Yes, sir.

Q What was her mother's name? A Katie Knight, the name I knewed
her by.

Q What was the citizenship of the mother of the applicant?

A She was a Cherokee.

Q She was a Cherokee by blood, was she? A Yes, sir.

Q How long did you say you knew the applicant? A About thirty
years, I guess.

Q Has she always lived in the Cherokee Nation? A Ever since my
knowing.

Q Has she been recognized as a Cherokee citizen? A Yes, sir.

Mr. Hastings. Was there any dispute about her mother? A No, sir,
not that I know of.

Q You knew her well? A Yes, sir.

Q How far did she live from you? A She lived right up here on
Fourteen Mile Creek.

Upon an examination of the roll of 1890, a note opposite
the name of Malissa Ross says: "On Census 1883 as a native
Cherokee No. 1510.

Bruce G. Jones, being duly sworn, says that as stenographer
to the Commission to the Five Civilized Tribes he correctly
recorded the proceedings and testimony in the above case, and the
foregoing is a true and correct transcript of his stenographic
notes thereof.

Bruce G. Jones.

Sworn to and subscribed before me this the 3rd of September, 1901.

T. B. Needles,

Commissioner.

I, Margaret Crutsinger, do hereby certify that as stenographer to
the Commission to the Five Civilized Tribes I made the foregoing
copy and that same is a true and complete copy of the original
transcript.

Margaret Crutsinger.

873

Cherokee D-670.

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of Katie Vann for enrollment as a citizen of the Cherokee Nation.

On the 23rd day of October, 1900, Katie Vann appeared before the Commission to the Five Civilized Tribes and made application for enrollment as a citizen by blood of the Cherokee Nation.

At the conclusion of the evidence offered at that time her name was placed upon a doubtful card, awaiting proof of her citizenship as a Cherokee by blood.

Further evidence has been submitted to this Commission and the following decision is rendered:

D E C I S I O N .

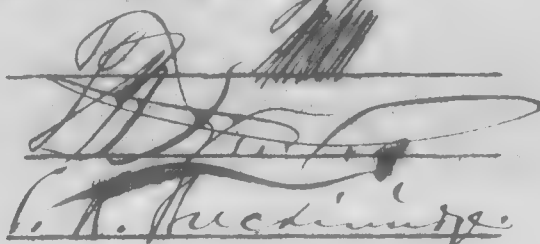
From the evidence of record in this case it appears that Katie Vann has resided in the Cherokee Nation all her life; that she is identified on the 1860 authenticated tribal roll of the Cherokee Nation as a freedman and on the 1896 census roll as a freedman. It further appears that the mother of Katie Vann is a citizen by blood of the Cherokee Nation.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

-2-

In view of the facts and the law in this case it is considered that Katie Vann is entitled to be enrolled as a citizen of the Cherokee Nation, by blood, and it is so ordered.

A handwritten signature in dark ink, appearing to read "L. R. McChesney", is written over two horizontal lines. The signature is stylized and somewhat cursive.

Commissioners.

Dated at Muskogee, Indian Territory,

JUL 11 1902

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKENRIDGE.

ALFRED L. AVESWORTH
SECRETARY.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-670.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 11, 1902.

W. W. Hastings, Esq.,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

Inclosed herewith please find copy of a decision of the Commission, rendered the 11th day of July, 1902, granting the application of Katie Vann for the enrollment of herself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. H-13.

~~Katie Lane~~

A. Original testimony. Oct 23 - 1900

B. Memo of application. Oct 23 1900

C. Supplemental testimony. Oct 27 - 1900

D. Copy of testimony from the
case of Matilda Rose

See Card

Ref
files

under

Cher D 671

Cher D 671

Doubtful as to Minnie Buckner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Charmore, I. T., October 21, 1900.

In the matter of the application of Alfred Foyil for the enrollment of himself, wife, child and an adopted or has child, Minnie Buckner, an Cherokee citizen; being sworn and examined by Com'r Needlen as follows:

Q What is your name? A Alfred Foyil.
Q How old are you? A 50 years old.
Q What is your post-office address? A Foyil.
Q In what district do you live? A Coconodocwee.
Q Are you a recognized citizen of the Cherokee Nation?
A Yes sir.
Q By blood or intermarriage? A Intermarriage.
Q Who do you desire to enroll? A Myself, wife and one child and I have got an adopted child that is living with me, but she is not at home now; she is at school at Tahlequah.
Q What is the name of your wife? A Charlotte.
Q When did you marry her? A 1874.
Q What is the name of your child? A Mille.
Q What is his age? A 14.
Q What is the name of the adopted child which you want to enroll?
A Minnie Buckner.
Q How old is Minnie? A She is 13 years old.
Q What is the name of her father? A I couldn't tell you.
Q You know the name of her mother? A Yes sir.
Q What was her name? A Her maiden name was Andy Hampton.
Q Is she a Cherokee by blood? A Yes sir.
Q Is she living? A Yes sir.
Q The child living with you? A Yes sir.
Q Are you her legal guardian? A I guess so, I have never been so appointed by law, I raised her ever since her mother died.
Q You have always lived in the Cherokee Nation since your marriage? A Yes sir.
Q Your wife too? A Yes sir.
Q She is living now? A Yes sir.
Q Your first wife? A Yes sir.
Q Was your former wife dead when you married Charlotte? A Yes sir.
Q Are you her first husband? A Yes sir.
Q What was her name before you married her? A Choate.
1880 roll page 698 #452 Alfred Foyil Sequoyah Dist; adopted white;
1890 roll page 695 #469 Charlotte Foyil Sequoyah Dist; native Chero;
1890 roll page 304 #350 Alfred Foyil Coconodocwee Dist;
1890 roll page 156 #1277 Charlotte Foyil Coconodocwee Dist.
1890 roll page 156 #1273 Mille Foyil "
1890 roll examined for orphan child and none at found.
1894 roll page 149 Minnie B. Buckner Orphan roll, Coconodocwee Dist
Q Is her name Minnie B.? A Yes sir.
Q How long has Cynthia Hampton been dead? A About 7 or 8 years.
Q What was her name in 1890? A She was called Barrett then.
Q Did she ever marry Buckner? A Yes sir.
1890 roll examined for Minnie Buckner's mother and name not found.

Com'r Needlen: The name of Alfred Foyil is found upon the authenticated roll of 1880 as well as the census roll of 1890; and the name of his wife, Charlotte, is also found upon the authenticated roll of 1890 as well as the census roll of 1890, he is an intermarried citizen, and she is a Cherokee by blood; the name of his child is also found upon the 1890 census roll; they having made satisfactory proof as to residence, and being duly identified, said applicant will be duly listed for enrollment as a Cherokee citizen and his wife Charlotte and his child Mille as

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Alfred Boyll et al 2

Cherokee citizens by blood.

He also applies for Annie Tucker, an orphan child which he has raised; the name of Annie Tucker is found upon the pay roll of 1894, her name cannot be found upon the census roll of 1896; he avers that her mother is one Cynthia Hampton, or Cynthia Tucker, but the name of Cynthia Hampton or Cynthia Tucker is not found upon the authenticated roll of 1890; no proof is presented to the commission as to the citizenship of said Annie Tucker; applicant avers that she is a Cherokee citizen by blood; consequently final judgment as to the enrollment of said Annie Tucker will be suspended, and her name will be placed upon a doubtful card, awaiting proof as to the citizenship of her mother, Cynthia.

J. D. Green, clerk first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes in proof.

Subscribed and sworn to before me this 23 day of Oct. 1900.

J. D. Green

Notary Public.

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8671

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED IN
OCT 25 1900

RECEIVED

Supl.C.-D.#371.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 28th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
Minnie Buckner as a Cherokee citizen, introduced on behalf of ap-
plicant:

Mr. W. W. Hastings, Cherokee Representative, present.

ALFRED FOYIL, being duly sworn and examined by Commissioner
Breckinridge, testified as follows:

Q Give me your full name? A Alfred Foyil.

Q Mr. Foyil, you made application for one Minnie Buckner in October
of last year? A Yes, sir.

Q And she was placed on a doubtful card? A Yes, sir.

Q The trouble seemed to be to determine the citizenship of her
mother who is dead? A Yes, sir.

Q Can you give us any information now in regard to her mother's
citizenship? A I guess I can; I had known her mother since '74.

Q Can you help us to identify the mother on any roll? A I
guess so, she drew money twice I know of; I saw her draw it once
and I drew it for her since.

Q Do you know where she was in 1880? A No, sir, I don't, she
was right down in Sequoyah district though somewhere.

Q Was she a Cherokee by blood? A Yes, sir.

Q It seems that she has been known as Cynthia Hampton?

A That was her maiden name and she was also known as a Buckner.

Q And at one time as an Everett? A Everett come in before Buck-
ner.

Q Was she of Cherokee blood? A Yes, sir.

Q How much Cherokee blood do you think she had? A I think about
one-fourth, I don't know exactly.

Q Well, did you ever know her mother? A No, sir, never knowed
her mother; her mother was dead before '74 before I come into this
country.

Q About how old would this woman Cynthia be if she were living now?
A 14 years old I think in '74.

Q She was about 14 in '74? A Yes, sir.

Q She would be about 40 years old? A Yes, sir; she has got a
brother and sister older enrolled.

Q Give me the names of her brothers? A Her brother is George
Hampton.

Q Is he still living? A Yes, sir.

Q Has she any other brother living? A No, sir.

Q What sister has she living? A She has got a sister by the name
of, The Sanders' wife.

Q What is her name? A Isabelle.

Q Isabelle Sanders? A Yes, sir.

MR. HASTINGS: What was her husband Everett's name?

A Charley.

Q Did they live together until he died? A No, sir.

Q They separated? A Yes, sir.

Q Did she have a child by Charley? A No.

Q No children? A No, sir.

Com'r Breckinridge: Upon examination of the roll of 1880
in the possession of the Commission there is found the name
of Lucinda Hviage in Sequoyah district, page 694, #438.
This woman's age there given 20 years, and she is marked
as adopted white. The latter indication upon the roll is
obviously very unreliable for "adopted white" is placed
near the head of the column and his dittoed down through a

Supl.C.D.-#671.

large number of names, including husbands and wives and children, and of course there is no such thing as an adopted white child intentionally on the roll.

This is considered a reliable identification of the deceased mother of the applicant, Minnie Buckner.

COM'R BRECKINRIDGE: Is there any further testimony you can give in regard to this applicant's mother? A Not that I know of; a sister to her mother was Arthur Collier's wife, Ollie Collier.
Q Was George Hampton in Sequoyah district in 1880? A Yes, sir.
Q You say Minnie Buckner's mother has a sister living known as Isabelle Sanders? A Yes, sir.
Q The husband of Isabelle Sanders is named Isaac is it?
A Yes, sir.
Q Were they married back as far as 1860? A Yes, sir, they were married before that.

1880 Authenticated roll of Cherokee citizens examined and name of applicant's mother's sister and sister's husband found thereon as follows:

Page 392, #1233, Isabel Sanders, Flint district.

Page 392, #1232, Isaac Sanders, Flint district.

Q Now, Mr. Royll, was Minnie Buckner's mother a full sister to Isabelle Sanders? A Yes, sir.
Q The mother of Minnie Buckner did she live in the Cherokee Nation all her life? A Well, during the war times I think she was carried off, her child, probably to St. Louis, during the war and come back just after that.
Q But never out except during that war period? A Yes, sir.
Q This child, Minnie Buckner, has she lived in the Cherokee Nation all her life? A Yes, sir.

Com'r Breckinridge: A copy of this testimony will be filed as supplemental testimony in the case of Minnie Buckner, Cherokee doubtful case 671, and it is shown conclusively at the present time that Minnie Buckner's deceased mother was on the roll of 1880, and her status is further confirmed by the identification on that roll of her full sister, Isabelle Sanders, as a Cherokee by blood; it is further shown ~~that~~ with entire satisfaction that the mother of Minnie Buckner lived in the Cherokee Nation except for a short period in her childhood during the civil war, and that Minnie Buckner has lived in the Cherokee Nation all her life. No doubt is entertained that Minnie Buckner should be listed for enrollment as a Cherokee by blood.

---ooo000ooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this November 8th, 1901.



Commissioner.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

RECEIVED
NOV 11 1901

ACTING CHAIRMAN

8913

Cherokee D-671,

Department of the Interior,

Commission to the Five Civilized Tribes.

In the matter of the application of Minnie Buckner for enrollment as a citizen of the Cherokee Nation.

On the 23rd day of October, 1900, Alfred Foyil appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself as a citizen by intermarriage, his wife and child as citizens by blood, and his adopted child, Minnie Buckner, as a citizen by blood of the Cherokee Nation.

At the conclusion of the evidence offered at that time the said Alfred Foyil and his wife and child were listed for enrollment on a regular card, and the name of Minnie Buckner was placed upon a doubtful card, awaiting identification of her mother upon the 1880 authenticated tribal roll of the Cherokee Nation.

Further evidence has been submitted to this Commission and the following decision is rendered:

D E C I S I O N .

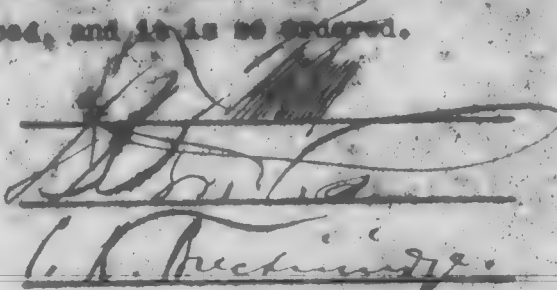
From the evidence of record in this case it appears that Minnie Buckner is eighteen years old; that she is duly identified on the 1894 pay roll of the Cherokee Nation and has resided in the Cherokee Nation all her life. Her mother is duly identified on the 1880 Cherokee authenticated tribal roll.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, ex-

rolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the facts and the law in this case it is considered that Minnie Buckner, being the lineal descendant of a person whose name appears upon the 1880 authenticated tribal roll of the Cherokee Nation, is entitled to be enrolled as a citizen of the Cherokee Nation, by blood, and it is so ordered.



C. R. Buckner

Commissioners.

Dated at Muskogee, Indian Territory,

MAY 20 1907

COMMISSIONERS
HENRY L. DAWES
TAMM BIRDY
THOMAS B. NEEDLES
H. BRECKINRIDGE

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

D - 671.

Muskogee, Indian Territory, May 31, 1903.

V. W. Hastings, Esq.,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

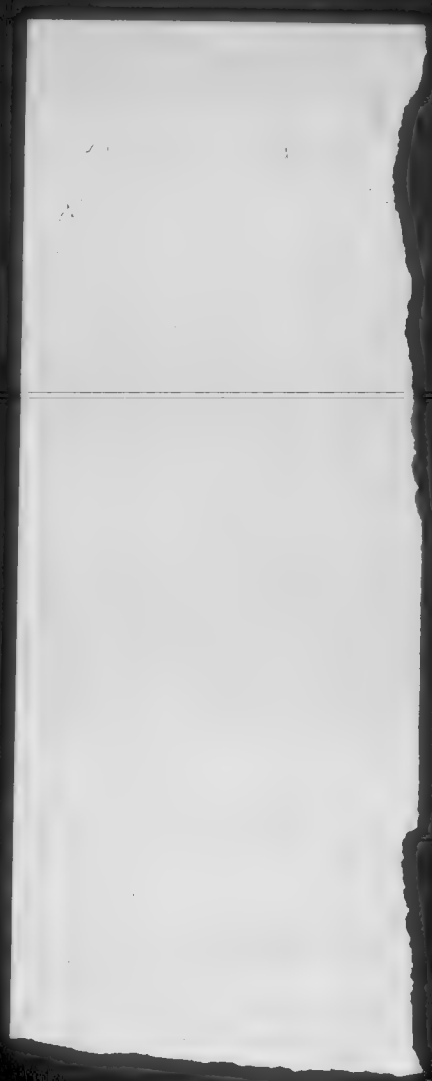
Enclosed herewith, please find a copy of the decision of the Commission rendered May 20, 1903, in the matter of the application of Minnie Buckner for enrollment as a citizen of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the above named person as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Very respectfully,


Acting Chairman.

Enc. D-671.



Original testimony of the witness
 Memo of office of the witness
 Supplementary testimony 18/41.

no test

Cher D 672

Cher D 672

Straight as to applicant

Doubtful as to husband, Elmer Fults.

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore. I. T. October, 23rd, 1900.

In the matter of the application of Josephine A. Fults for the enrollment of herself, husband, and she being sworn before the Commission testified as follows--

Q What is your name? A. Josephine A. Fults.

Q How old are you? 24.

Q What is your post office? A. Chouteau.

Q What district do you live in? Cooweescoowee.

Q Who is it that you want put on the roll? A. Myself and husband.

Q Are you a Cherokee by blood? A. Yes sir.

Q Is your husband a Cherokee by blood? A. No sir he is a white man.

Q How long have you lived in the Cherokee Nation? A. All my life.

Q Give me the name of your father? A. Bumpsey F. Coker.

Q Is he dead? A. Yes sir.

Q What is the name of your mother? A. Elizabeth.

Q Is she dead? A. No sir.

Q When were you married to Mr. Fults? A. December, 18th 1895.

Q Were you ever married except to your present husband? A. No sir.

Q Give me the name of your husband? A. Elmer Fults.

Q How old is he? 30.

Q Let me see your marriage license and certificate. Applicant presents a license issued by the Clerk of Cooweescoowee District on December, 16th 1895 authorizing marriage between herself and her husband as stated by her. The certificate shows that they were united in marriage in accordance with said license on the 18th day of the same month and same year by the Rev. L. Dobson. These papers are filed herewith.

Q Has your husband lived with you in the Cherokee Nation ever since he married you? A. Yes sir.

Q Was he ever married except to you? A. No sir.

Q Were you ever married except to him? A. No sir.

1880 roll, page 87, No 700. J. A. Coker, Cooweescoowee, N. C.

1896 155 1624 Josie A. Fults, Cooweescoowee

1896 304 343 Elmer F. Fults

Q What time of day did your husband get his license? A. Don't remember, some time in the forenoon; he came over from Chouteau that morning and he drove back right soon after dinner.

Q How far did he have to come? A. 20 miles.

Q When did he leave here after getting the license? A. He started from here right soon after dinner.

Q What time did he get here? A. I don't remember, but I know that he started home right soon after dinner and he had the license before he left.

Q I suppose he dined with you on that day? A. Yes sir.

JOSEPH M. LARAY being called as a witness and sworn testified as follows:

Q What is your name? A. Joseph M. Lay/hay.

Q How old are you? A. 35.

Q What is your post office? A. Claremore.

Q How long have you lived in the Cherokee Nation? A. 11 years the last time, all my life practically.

Q Were you formerly County Clerk of Cooweescoowee District? A. Yes sir.

Q Did you issue a license to Elmer F. Fults to marry the applicant here who was then Miss Josephine Coker? A. Yes sir.

Q Do you know what time of the day he got his license from you? A. No sir, but it seems to me that he drove over from Chouteau that morning and went back the same day; it was the second time that he had made application for the license.

Q When did he take the oath of allegiance to the Cherokee Nation and

Josephine A. Fultz 2.

pay whatever expenses there were in getting the license. A. On the day the license was issued, that was customary.
Q You are satisfied that he did not pay it the time he made the first application? A. I didn't make any charges until after they got their license.

Applicant applies for the enrollment of herself and husband. She is identified on the roll of 1880 and 1886 as a native Cherokee. She has lived in the Cherokee Nation all her life and will be listed for enrollment as a Cherokee by blood. Her change of name is developed by the marriage license and certificate filed herewith. Her husband is shown to have married her in accordance with the laws of the Cherokee Nation on December, 18th 1895, but he procured his license and took his oath of allegiance to the Cherokee Nation and paid whatever expenses were required by law on the 16th day of December, 1895, the day on which the law was passed prohibiting further acquirement of rights to citizenship by intermarriage. He has lived with his wife ever since their marriage. Neither were ever married before and he is identified on the roll of 1886. For the further consideration of his rights to citizenship as arising under the conditions stated, his application will be placed on a doubtful card and the final decision of the Commission will be forwarded to him at his post office address.

Chas. von Weise being sworn states that ~~he~~ as stenographer to the Commission to the Five Civilized tribes he reported in full all the proceedings in the above entitled cause and that the foregoing is a full true and correct transcript of his stenographic notes in said proceedings.

Chas. von Weise

Subscribed and sworn to before me this the 24th of October, 1900.

W. D. Lee

Commissioner.

W. D. Lee

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 24 1900

ACTING CHAIRMAN.

2672

Supplemental--D. 672.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Claremore, I.T. November 13th, 1900.

IN THE MATTER OF THE APPLICATION OF JOSIE A FULTS FOR THE
ENROLLMENT OF HERSELF AND HUSBAND-----Supplemental proceedings.

Elmer F. Fults, being sworn and examined by Commissioner C. F. Breckinridge, testified as follows:

Q Give me your full name. A Elmer F. Fults.

Q You want to give some additional testimony in regard to the application made by your wife for enrollment. A Yes, sir.

Q Now, the question was whether you were married before or after the Cherokee law of 1895. A I was married after that, on December 18th.

Q You were married on December 18th? A Yes, sir.

Q What is the date of your license? A December 18th.

Q What time in the day did you get that license? A About ten thirty as near as I can remember. I came in here about 9:30 and put my team in the barn and I got them as soon as I could after that, and I got them about 10:30.

Q You got your license before 12 o'clock on that date that law is dated? A Yes, sir; before 11 o'clock.

Q Well, before 12 anyhow. I take that as a turning point? A Yes, sir; certainly.

Witness excused.

---o---

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the supplemental proceedings in this application at the time and place above set out, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 13th day of November 1900.

W. J. McKee
W. J. McKee

Commissioner.

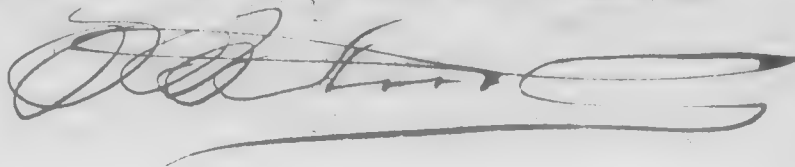
8,672

Supl.-C.D.#472.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., March 6, 1902.

SUPPLEMENTAL in the matter of the enrollment of **ELMER F. FULTS**
as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 15, 1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskegee, Indian Territory, on the 6th day of March, 1902, and that he might on said day appear before the Commission either in person or by attorney and an opportunity would be given him to introduce any additional testimony affecting his application. Receipt has been acknowledged of Commission's letter. The applicant having this day, to-wit: the 6th day of March, 1902, been called and failing to respond either in person or by attorney, it is directed that the case be closed, and that the same be reported to the Commission for a final decision based upon the evidence now of record.



J.O.R.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Elmer F. Fults as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 23, 1900, Josephine A. Fults appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment, among others, of Elmer F. Fults as a citizen by intermarriage of the Cherokee Nation. The other party to the application is differently classified, and is not embraced in this decision. Further proceedings in the matter of said application were had at Claremore, Indian Territory, on November 13, 1900.

The evidence shows that on December 18, 1895, Elmer F. Fults was lawfully married, under authority of a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, to Josephine Coker. The said Josephine Coker is identified on the 1890 authentic tribal roll of the Cherokee Nation under the name of J. A. Coker.

The said Elmer F. Fults is identified on the 1896 Census Roll of the Cherokee Nation, and his wife, Josephine A., is also identified on that roll.

Section twenty-one of the Act of Congress, approved June 18, 1900 (31 Stats., 95) provides for the enrollment of Cherokee citizens

"with such intermarried white persons as may be entitled to citizenship under Cherokee law."

Section eleven of the same Act provides that said rolls are to contain the names only of those who are entitled to share in the lands of the Cherokee Nation, and is as follows:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission' shall proceed to allot the exclusive use and occupancy of the surface of all lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same;"

An Act of the Cherokee National Council, approved December 16, 1905 provides:

"That from and after the passage of this act, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and Chapter 12, article 16, sections 659 to sec. 669, inclusive pages 329 to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood, who are recognized as citizens. And all laws or parts of laws conflicting herewith, be hereby repealed."

It is, therefore, the opinion of this Commission that the

Cherokee-D- 672

application for the enrollment of Elmer V. Fultz as a citizen by
intermarriage of the Cherokee Nation should be denied, and it is so
ordered.

CONVISE US TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

uskogee, Indian Territory.

this

JUL 16 1902

CPV

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AVLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cher. D 672.

Muskogee, Indian Territory, July 16, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of Josephine A. Fults for the enrollment of her husband, Elmer P. Fults, as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,


Acting Chairman.

Enc. C. No. 83.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON I. AVERSWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

ANSWER IN REPLY TO THE FOLLOWING

Cherokee D 672.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 3, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of Josephine A. Fults for the enrollment of her husband, Elmer F. Fults, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 16, 1902.

Respectfully,

Thomas Bixby
Acting Chairman.

Oliver Fultz got his
License to marry
from Elk Co. Dist
just before noon
Dec 16 1895

Wendell

Dec 15/95

172
IN THE MATTER OF THE APPLICATION OF

Elmer J. Gully

FOR ENROLLMENT AS

CHEROKEE CITIZENS

FEB 17 1902

ms

Original testimony (Oct 2/8 1900)
Memo of application (Oct 2/8 1900)
Supplemental testimony Nov 10 1900
Marriage license and certificate
Notice of final consideration, 2/16/02

Order of

See Chapter 265

Cher D 673

Cher D 673

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I.T., October 23, 1900.

In the matter of the application of William D. Parham for the enrollment of himself as a Cherokee citizen by intermarriage, being sworn and examined by Commissioner Needles he testified as follows:

Q What is your name? A William D. Parham.
Q How old are you? A 31 years old.
Q What is your post-office address? A Claremore.
Q What district do you live in? A Coowaseeownee.
Q Are you a recognized citizen of the Cherokee Nation? A Only adopted citizen.
Q Who do you want to enroll? A Just myself.
Q Have you been married? A Yes sir.
Q Are you married now? A Yes sir.
Q What is your wife's name? A Emma Parham.
Q Who enrolled with you? A None.
Q Will you enroll you when she enrolls there? A We separate.
Q How long have you lived in the Cherokee Nation? A I have lived in the Cherokee Nation 12 years.
Q When was your marriage? A (Produces papers)
A I, the applicant, represent a duly authenticated marriage license and marriage certificate certifying that he was married to one Mrs. Emma Wills a citizen of the Cherokee Nation on the 22 day of October 1891.
Q How long did you live with your wife? A I lived with her until about a year ago.
Q When did you separated from her? A Yes sir.
Q How long have you been separated? A Yes sir.
Q How did it happen? A I don't know.
Q You live alone? A I am living up until the time of your separation far from the time of your separation? A She was away it was about a year ago, and she came back last October.
Q Did I was her name before you married her? A She was Wills, she married a Wills.
Q What was her maiden name? A Watson.
1891 roll page 515 #417 William D. Parham Delaware Dist;
1892 roll page 519 #2030 Emma Parham Delaware Dist;
1893 roll page 497 #2041 Emma Watson Coowasee Dist. Native Cher.

Commissioner Needles: The name of William D. Parham appears upon the census roll of 1896; he represents satisfactory proof of marriage to one Emma Wills, on the 22 day of October 1891, and avers that she was a widow Wills, at the time of his marriage to her, and that her maiden name was Emma Watson, and the name of Emma Watson is found upon the authenticated roll of 1890 according to page and number of said roll as indicated in the testimony; the applicant is duly identified and makes satisfactory proof as to his marriage and also as to his residence; he avers that he separated from his wife and is not living with her, consequently under the provisions of 5667 of the Cherokee Statute, compilation of 1892, providing that intermarried persons shall who shall abandon their wives they shall forfeit all rights and privileges to Cherokee citizenship final judgment as to the enrollment of said William D. Parham will be suspended, and his name will be placed upon a doubtful card, awaiting testimony in regard to actual facts of his separation from his wife.

W.D. Green being first duly sworn as clerk that he stands clear to

Wm D Parham 2

I a Commissioner to the Five Civilized Tribes have correctly recorded
the testimony and proceedings in this case and that the foregoing
is a true and complete transcript of his stenographic notes to read.

Wm D Parham

Subscribed and sworn to before me this 23 day of Oct. 1901.

[Handwritten signature]

Commissioner

5073

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 23 1900

ACTING CHIEF

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE SEVEN CIVILIZED TRIBES,
SAULSQUAT, I.T., DECEMBER 18TH, 1900.

IN THE MATTER OF THE APPLICATION OF Anna Parkman for the enrollment of herself and children as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner, C. B. Brinkridge, testified as follows:

Q What is your name? A Anna Parkman.
Q How old are you? A Twenty nine.
Q What is your Postoffice? A Mayville, Arkansas.
Q In what district do you live? A Delaware.
Q Have you a family? A Three children.
Q Have you a husband? A Yes sir.
Q Do you want to enroll yourself, your husband and three children?
A No sir, just me and my three children.
Q Are you a Cherokee by blood? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me your father's name? A D. E. Fernal.
Q Is he living? A Yes sir.
Q Give me the name of your mother? A Martha Fernal.
Q Is she living? A Yes sir.
Q Give me the names of your children? A Claude C.
Q How old is that child? A Seven years old.
Q The next child? A Clarence W.
Q How old is he? A Five years old.
Q The next child? A Ab. B.
Q How old is that child? A Three years old.
Q Are those children all living? A Yes sir.
Q Have you any middle names? A None.
Q You have been married? A Yes sir.
Q How often have you been married? A Twice.
Q What is the name of your first husband? A Thomas Fernal.
Q Is he dead? A Yes sir.
Q When did he die? A He died in 1890.
Q Was he a white man? A Yes sir.
Q Give me the name of your second husband? A William D. Parkman.
Q When did you marry him? A In 1891.
Q Is he dead? A No sir.
Q Did he marry you according to Cherokee Law? A Yes sir.
Q Are you and he separated? A Yes sir.
Q Is he a white man? A Yes sir.
Q When did you separate? A September.
Q September of this year? A Yes sir.
Q Have you been any other in process of divorce from him?
A Yes sir, I will get one this month.
Q Did he leave you, or did you leave him? A I left him.
Q When did you leave him? A About.
Q Was he abusive in his conduct? A Yes sir.
Q You consider that he drove you away, do you? A Yes sir.
Q Will you make a statement of the character of his abuse?
A He struck me, choked me, abused me and cursed me.
Q Did he do it more than one time? A No sir, just one time.
Q Once was enough, was it? A Yes sir.
Q Then did he treat you in that manner?
A About a week before I went away.
Q Had his general conduct towards you before that time been kind
or unkind? A Unkind.
Q There are proceedings now pending for divorce? A Yes sir.
Q You have applied for divorce, have you? A Yes sir.
Q Did you ever leave your husband before? A Yes sir.
Q How long ago? A Just before a year ago.
Q How long did you stay away? A Six months.
Q What was the occasion of your leaving? A The same reason.
Q He abused and abused you? A Yes sir.
Q Where did you go? A To mother's.

WILLIAM H. PARKMAN ET AL.

Q How did you

-2-

Q How did you happen to go back to him? A I do not know hardly. On account of the children I suppose.

Q He promised to treat you better? A Yes sir.

Q Did he make overtures for you to come back? A Yes sir.

Q How long did you live with him? A From November 1899 to this last September.

Q Did he treat you better for a little while? A Yes sir.

Q Then his conduct was the same as before? A Yes sir.

Q You considered that his influence was bad on the children?

A Yes sir, he had an inclination to pick up things, and learn the children something I did not want them to know.

Q You believed that the children could not properly grow up under the influence he exerted? A Yes sir, no children could grow up that way.

(1890 Roll, Page 407, #2141, Fern Witzel, Geringham District)
(1896 Roll, Page 819, #2800, Fern Parkman, Delaware District)
(1902 Roll, Page 819, #2801, Claude Parkman, Delaware District)
(1904 Roll, Page 819, #2802, Clarence Parkman, Delaware District)

Q Are these children with you now? A Yes sir, I have control of the children.

Q Is your husband living on the place you and he lived together?

A No sir.

Q Where is he? A He is somewhere.

Q When did he go somewhere? A I do not know.

Q Have you heard that it was only here lately that he went off on a spree? A Yes sir, he was under \$500.00 bond when he ran off.

Q About how long ago? A I think it was last month some time I heard it.

Q Have you heard of there being a warrant out for him for stealing hogs? A Yes sir, for changing the marks on hogs. He had been tried before I left home. He was under bond before the Court and after he stood his trial the first of September, then his other trial was to be the first of November, and he skipped his bond.

Q That is the trouble you had noticed, that he interfered you much with other people's property?

A Yes sir, he did, and he remarked these hogs before my children.

Q Are you living on the place now where you and he were living?

A No sir, I am renting the place.

Q That is your place? A Yes sir. I have a bill of sale of the place.

Q It belongs to you? A Yes sir.

Q Have you a certificate of your marriage to this man, Parkman?

A He destroyed it I think.

Gen'l. C. R. Brookbridge: In the case of William D. Parkman, Case No. 673, there is filed a license, issued by the Clerk of Delaware District, October 2nd, 1899, authorizing marriage between himself and Mrs. Fern Witzel. The certificate shows that W. D. Parkman and Mrs. Fern Witzel were married on the same day by the clerk of the District. This document is returned to the file to which it belongs.

Q Have you seen one here who knows you were a witness before you married your husband Parkman? A I do not know any one except Mr. Hastings and Mr. Cole Starr.

J. V. McPherson, being sworn and examined by Commissioner, C. R. Brookbridge, testifies as follows:

Q Give your full name there? A J. V. McPherson.

Q How old are you? A Fifty six.

Q What is your occupation? A Railroad.

Q How long have you lived in the Cherokee Nation? A All my life.

POOR ORIGINAL
BEST AVAILABLE COPY

Q Do you know D. F. Wetzel? A Yes sir.
 Q Do you know his wife, Martha? A Yes sir.
 Q Do you know his children? A Yes sir.
 Q Do they live near you? A Yes sir, they live in near Mayville.
 Q Do you know the children's names? A Yes sir.
 Q What is her given name, do you know? A Yes.
 Q Is she a daughter of D. F. and Martha Wetzel? A Yes sir.
 Q What is her first husband's name? A I do not know.
 Q What do you understand to be her name now? A I do not know.
 Q But you know she is a daughter of D. F. and Martha Wetzel?
 Q And her name is Ada? A Yes sir.

Applicant recalled:

Gen'l. C. B. Breckinridge: The applicant will be for the enrollment of herself and three children (she is a certified on the rolls of 1890 and 1894 as a native Cherokee) she has lived in the Cherokee Nation all her life; her claims of race are satisfactorily established by the testimony, and she will now be listed for enrollment as a Cherokee by blood.

Of her three children, the first two, Claude G. and Clarence W. are certified on the roll of 1894; they are living now, and they will be listed for enrollment as Cherokees by blood.

Her third child is certificate of birth of her youngest child, Ada B., this child also will be listed for enrollment as a Cherokee by blood.

(A copy of this statement will be filed in the case of William T. Parker, No. 1673)

The undersigned, being sworn, states that an stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R. R. Trainor

Subscribed and sworn to before me this 17th day of December, 1900.

C. R. Heenan

COMMISSIONER.

POOR ORIGINAL -
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D673

DEC 17 1960

ATKINS CHARMANT

Supl.-C.D.#673.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., ~~February~~ March 6, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
WILLIAM D. PARHAM as a citizen of the Cherokee Nation. Introduced
on part of the Cherokee Nation:

The applicant was notified by registered letter February 15, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices at Muskogee, Indian Territory, on the 6th day of March, 1902, and that on said date he might appear before the Commission either in person or by attorney and a opportunity would be given him to introduce any further testimony affecting his application. He was further notified that the representatives of the Cherokee Nation would also on said date by afforded an opportunity to introduce testimony tending to disprove his right to enrollment as a citizen of the Cherokee Nation, but that such representatives would first be required to notified him of their intention to introduce such testimony before the same would be introduced by the Commission.

J. C. STARR, being duly sworn, testified as follows on part of the Cherokee Nation:

By Mr. W. W. Hastings, Cherokee Representative:

Q What is your name? A J. C. Starr.
Q Are you the stenographer for the Cherokee Nation? A Yes, sir.
Q Did you make any attempt to get service on William D. Parham, who was an applicant for citizenship in case D.#673? A Yes, sir.
Q What did you do? A I had the City Marshal at Claremore to find William D. Parham so we could get service of notice on him that testimony would be taken at Muskogee to-day, and the Marshall wrote that he could not find him and wrote that he did not know where he was.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and move to be allowed to introduce testimony in this case, they having attempted to get service upon the applicant but that the same could not be had because he was a non-resident.

Commission: In view of the fact stated, the testimony will be received.

~~Exhibit~~ Mr. Hastings: The Cherokee Nation offers in evidence a certified copy of the decree of divorce granted by the United States Court for the Northern District, Indian Territory, at Vinita, on the 27th day of ~~February~~ May, 1901, to Emma E. Parham against her husband, William Parham, and desires to call attention to the fact that in connection herewith that no service could then be had upon the defendant who is the applicant here; that he was at that time, namely in May, 1901, a non-resident of the Indian Territory.

Commission: The applicant having this day, to-wit: the 6th day of March, 1902, been called three times and failing to respond either in person or by attorney, the case is ordered closed and reported to the Commission for final decision based upon the evidence now of record.


-2-

I, J. O. Rossen, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in the above case on said date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rossen
Stenographer.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

FILED
MAR 12 1902


ACTING CHAIRMAN

Cherokee D-673.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William D. Parham for enrollment as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on October 23, 1900, William D. Parham appeared before the Commission at Claremore, Indian Territory, and made personal application for enrollment as a citizen by intermarriage of the Cherokee Nation. The testimony taken at Tahlequah, Indian Territory, on December 13, 1900, in the matter of the application of Emma E. Parham et al for enrollment as citizens by blood of the Cherokee Nation, was on said date ordered filed herein and made a part of the record in this case. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 6, 1902.

The evidence shows that on October 2, 1891, the applicant, a White man, was lawfully married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation to Mrs. Emma Mills, a citizen of the Cherokee Nation. She had been previously married to a man named Mills, who died prior to her marriage to this applicant. Her maiden name was Wetzel, and by that name she is identified on the 1890 authenticated roll of the Cherokee Nation as a native Cherokee. She is identified by her present name on the 1906 census roll of said Nation as a native Cherokee. The applicant is also identified on the said 1906 census roll as an adopted White.

The evidence further shows that in September 1900 the applicant, by his cruel and abusive treatment of his wife, drove her away from him; and that she has since applied for and been granted a divorce from him by the United States Court for the Northern District of the Indian Territory, sitting at Vinita. It is considered that the acts of the applicant in causing and procuring the said separation through his own misconduct, constitute an abandonment on his part.

Section 21 of the Act of Congress approved June 20, 1902, (30 Stats. 495), provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee Laws". Section 667 of the Compiled Laws of the Cherokee Nation (1902) provides as follows:

"Every person who shall lawfully marry under the provisions of this Act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation".

It is therefore the opinion of this Commission that the application of William D. Parham for enrollment as a citizen by intermarriage of the Cherokee Nation, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[Signature]
Acting Chairman.

[Signature]
Commissioner.

[Signature]
Commissioner.

Dated at Muskogee, Indian Territory,

this _____

RECORDED & INDEXED
JAN 10 1903

Okmulgee Feb 2 1892

Mr E. A. Starr

Okmulgee

Dear Sir

My Leaband Mills
was never married before, at the
time of our marriage he was 20 y
old. he died Oct 2nd 1890. we were
living at that time in the
Chickasaw Nation. I have full
possession of my place. that
Parham and I lived. he had
every thing mortgaged and my
father A. K. Wetzel paid the
mortgage to me, turned the
place over to me and Parham
has had nothing to do with
it ever since. at the time
of separation to the south
of Clara. we separated for a
divorce Sept-1900 and it was

admitted no. 1149. 1st or 2
know of no fact that would
entitle him to enrollment
Yours Respectfully
Ernest H. H. H.

C. D. 673

NOTICE!

IN THE MATTER OF the application of James M. Smith
for enrollment as Cherokee citizens:

Case No. D. 4.

To James M. Smith, Muskogee, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on April 11, 1906 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this April 11, 1906

W. W. Hastings

Attorneys for the Cherokee Nation.

D.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
day of A. D. 190...

Given under my hand this
day of A. D. 190...

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
day of 190

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190...

Subscribed and sworn to before me
this

Notary Public.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. HIGGINS
C. R. BRETHERTON

ALFRED L. AYER, JR.
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 673.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 29, 1902.

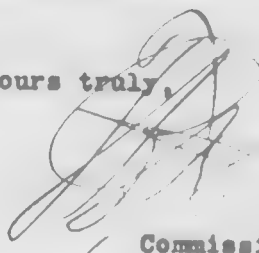
W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of William D. Parham for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Commissioner in Charge.

Enc. C. No. 41.

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AVLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REPLY TO THE FOLLOWING

Cherokee D 673.

Muskogee, Indian Territory, September 17, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of William D. Parham for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 28, 1902.

Yours truly,

Acting Chairman.

Decision No. 67

Marriage License

(1) Original testimony. Oct 23 1900

(2) Memo. of application Oct 23 1900

(3) Marriage license and certificate.

(4) Additional testimony. Dec 13 1900

Notice of final consideration 3/6/02
Certified copy of decree of divorce

Sup test & other during test 3/4/02

Transferred to R-689

sketch of the case

Cher D 674

Cher D 674

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHANDLER, I.T., OCTOBER 23rd, 1900.

IN THE MATTER OF THE APPLICATION OF William Henry Parrie for the enrollment of himself wife and children as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

- Q What is your full name? A William Henry Parrie.
Q How old are you? A I am forty.
Q What is your Postoffice? A Foyil.
Q In what district do you live; Coconawawee? A Yes sir.
Q Who is it you want to have put on the rolls; yourself and family?
A Yes sir.
Q Have you a wife? A Yes sir.
Q How many children? A Two.
Q Are you a Cherokee by blood? A Yes sir.
Q What is your wife? A She is a white woman.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father? A H. Green Parrie.
Q Is he dead? A Yes sir.
Q Give me the name of your mother? A Jane Parrie.
Q Is she dead? A Yes sir.
Q Give me the name of your wife? A Barbara.
Q How old is she? A She is about twenty one I think.
Q When did you marry her? A We married in 1896.
Q What time in 1896? A The 8th of April.
Q Have you a certificate of marriage? A Yes sir.
The applicant presents a license, issued by the Clerk of the United States Court for the Northern District of the Indian Territory, April 8th, 1896, authorizing marriage between himself and wife, as stated by him: And the certificate shows that they were united in marriage on the same day, by the Deputy Clerk of the United States Court. This is filed herewith.
Q Were you ever married except to this wife? A No sir.
Q Was she ever married except to you? A No sir.
Q Has she lived with you ever since she married you in 1896?
A Yes sir.
Q Give me the names of your children? A Katy Lee P Parrie.
Q How old is that child? A She is going on three: She will be three next January.
Q Give me the name of the next child? A Sadie Parrie.
Q How old is that child? A Seven months old.
Q Have you certificates there of these two children? A Yes sir.
(1880 Roll, Page 564, #1350, Henry Parrie, Illinois D'st)
(1880 Roll, Page 792, #1694, Green Parrie, Tahlequah D'st)
Q Have you any one here who has known you for the last twenty years: Any old neighbor that knows you have lived in the Cherokee Nation? A That man over there - indicating - has known me a good while.
Q Have you ever lived any where except in the Cherokee Nation?
A No sir.
- Josiah Henry, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:
Q What is your full name? A Josiah Henry.
Q How old are you? A Fifty.
Q What is your Postoffice? A Claremore.
Q How long have you lived in the Cherokee Nation? A Ever since I was born.
Q Do you know this applicant here, William Henry Parrie?
A I have known him several years.
Q How long have you known him? A About six or seven years.
Q That is all, is it? A Yes sir.
Q Do you know of any reason why he is not on the roll of 1880?

A. No sir.

Q. Did you know his father? A. No sir.

Q. Has he lived in the Cherokee Nation ever since you knew him?

A. Yes sir.

Applicant recalled:

Q. When did you come to Coconino District? A. About four years ago.

Q. Where did you live before that, in Illinois District? A. Yes sir.

Q. Did you live all your life in Illinois District? A. No sir; I lived in Tahlequah part of the time.

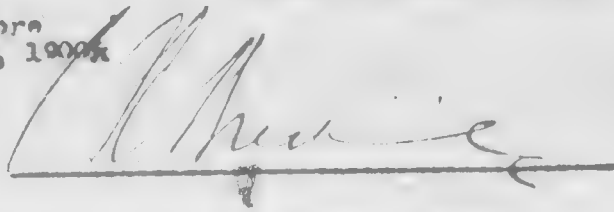
The applicant applies for the enrollment of himself, his wife and two children. He is identified with reasonable certainty on the rolls of 1890. His father is identified on that roll, and his mother, as given by him, is supposed to have died before 1890, the applicant stating that she died some twenty years ago, and she not being found on that roll.

The applicant is not identified upon either the roll of 1894, or 1896. He states that he was born in the Cherokee Nation, and has lived here all his life, but he is unable at this time to support his statement by satisfactory personal testimony. He will be listed as a Cherokee by blood, upon a doubtful card, for further consideration and identification. He is shown to have married his wife in 1896, and he states that neither of them were ever married before. She should be on the roll of 1896, so far as the date of her marriage is concerned, but she is not found upon that roll. She has lived with him ever since their marriage, and she will now be classed on a doubtful card as a Cherokee by adoption.

When certificates of the birth of the two children, Katy Lee and Sadie, are supplied the Commission, they also will be placed on a doubtful card, as Cherokees by blood.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before
me this 23rd day of October, 1900.



COMMISSIONER.

SUPPLEMENTAL --2, -574-

Department of the Interior
Commission to the Five Civilized Tribes,
Claremore, I. T. October, 28th 1900.

In the matter of the application of William H. Parris for enrollment as a Cherokee Citizen. He being sworn testified before the Commission as follows

By the Commission:

Q What is your name? A. William H. Parris.

Q You apply now to identify yourself on the 1896 roll do you? A. Yes sir.

By Cherokee Representative Hastings:

Q How old are you? A. 41.

Q Where were you, in what District, four years ago? A. Down here at Tahlequah district.

1896 roll, page 1318, No 2354, Henry Parris, Tahlequah District.

By Commission-

Q You were not married to your wife until 1896? A. No sir.

By Cherokee Representative-

Q Did you draw Strip Money in 1894? A. Yes sir.

The applicant William H. Parris is identified now on the roll of 1896, and no further doubt being entertained as to his continued residence in the Cherokee Nation, when his application is reached in regular order, in the absence of additional testimony contrary to the above he will be enrolled as a Cherokee by blood, and his child now on that doubtful card will be likewise so enrolled. His wife who is now on that doubtful card will be rejected under the Cherokee law of 1895, her marriage being too late to entitle her to enrollment.

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause and that the foregoing is a full, true and correct transcript of his stenographic notes in said proceedings.

Subscribed and sworn to before me this the 28th of October, 1900

Chas von Weise
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 29 1904

Active Fileman

1274

Cherokee D-874.

Department of the Interior,

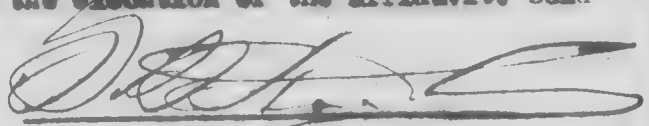
Commission to the Five Civilized Tribes.
Muskegee, I. T., February 27, 1902.

In the Matter of the application of William Henry Parris et al.
for enrollment as citizens of the Cherokee Nation.

Supplemental Statement.

On the 23rd day of October, 1900, there was filed with the Commission an affidavit duly executed by Barbara A. Parris from which it appears that Katy Lee Parris was born on the 2nd day of January, 1898; that she is the child of William H. and Barbara Parris; and that she was living at the date of the execution of the affidavit. Said affidavit was approved.

On the 23rd day of October, 1900, there was filed with the Commission an affidavit duly executed by Barbara A. Parris from which it appears that Sadie Parris was born March 14, 1900; that she is the child of William H. and Barbara A. Parris; and that she was living at the date of the execution of the affidavit. Said affidavit was approved.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William H. Parris for the enrollment of himself and his two minor children Katy L. and Sadie Parris as citizens by blood of the Cherokee Nation and for the enrollment of his wife, Barbara Parris, as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on October 23, 1900, the applicant, William H. Parris, appeared before the Commission at Claremore, Indian Territory, and then and there made personal application for the enrollment of himself and his two minor children Katy L. and Sadie Parris as citizens by blood of the Cherokee nation and for the enrollment of his wife, Barbara Parris, as a citizen by intermarriage of the Cherokee Nation. On October 29, 1900, the applicant William H. Parris, again personally appeared before the Commission at Claremore, Indian Territory, and submitted further testimony in this case.

It appears from the evidence in support of this application that William H. Parris is identified on the 1880 authenticated tribal roll of the Cherokee nation, page 564, No. 1380 and on the 1896 census roll of the Cherokee Nation, page 1218, No. 2354. He was lawfully married to Barbara Marshal, a white woman, April 8, 1896. She is not identified upon any tribal roll in possession of the Commission. The two minor children, Katy L. and Sadie, are duly identified by affidavits of birth filed with this Commission. They are too young to be upon any tribal roll of the Cherokee Nation.

An act of the Cherokee National Council approved December 16, 1895, is as follows:

"That from and after the passage of this act, all non-citizens who marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marri-

Cherokee-D-674

§ 689, no rights of property, lands or money belonging in common to the Cherokee people or the Cherokee nation, and chapter 12, article 16, section 689 to sec. 699, inclusive pages 329 to 334, of the Compiled Laws of the Cherokee nation, is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delaware or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith are hereby repealed."

The authority of the Commission herein is defined in Par. 1, Sec. 21, of the act of Congress, June 26, 1898 (30 Stats., 496).

It is therefore the opinion of this Commission that William H. Parris, Katy L. Parris and Sadie Parris are lawfully entitled to be enrolled as members by blood of the Cherokee Tribe of Indians in Indian Territory and that the application for their enrollment as such should be granted, and that Barbara Parris is not lawfully entitled to be enrolled as a member by intermarriage of the Cherokee Tribe of Indians in Indian Territory and that the application for her enrollment as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Acting Chairman.

Commissioner.

C. R. Acersing
Commissioner.

Muskogee, Indian Territory,

this MAY 20 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON I. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-674.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 11, 1902.

W. W. Hastings, Esq.,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

Inclosed herewith please find copy of a decision of the Commission, rendered on the 20th day of May, 1902, granting the application of William H. Parris for the enrollment of himself and his two minor children, Katy L. and Sadie Parris, as citizens by blood of the Cherokee Nation, and rejecting his application for the enrollment of his wife, Barbara Parris, as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. H-1.

407

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REPLY IN REPLY TO THE FOLLOWING

Cherokee D-674

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 28, 1902.

Mr. W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the decision of the Commission, of date May 20th, 1902, rejecting the application of William H. Parris for the enrollment of his wife, Barbara Parris, as a citizen by intermarriage of the Cherokee Nation, and a copy of which said decision was furnished you on the 11th day of July, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,


Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 674.

Muskogee, Indian Territory, September 17, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 11, 1902, granting the application of William H. Parris for the enrollment of himself and his two minor children, Katy L. and Sadie Parris, as citizens by blood, and rejecting his application for the enrollment of his wife, Barbara Parris, as a citizen by intermarriage, of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 28, 1902.

Yours truly,

Acting Chairman.

William H. Parris

- (1) Original testimony (Oct 23 1900)
- (2) Memo of application (Oct 23 1900)
- (3) Name a go. license and certificate.
- (4) Affidavits of birth to } Katy L. Parris.
- } Sadie Parris.
- (5) Supplemental testimony - (Oct 29 - 1900)

Supplemental testimony - (Oct 29 - 1900)

*Copy
and
file*

Cher D 675

Cher D 675

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I.T., October 23, 1900.

In the matter of the application of Margaret Woods for the enrollment of herself as a Cherokee by blood; being examined and examined by Commissioner Breckinridge, who testified as follows:

Q How old are you? A I can't tell you, they say I was born in 1835.

Q What is your post office? A Cherokee.

Q Do you live in Congressville district? A Yes, sir.

Q Who is it you want to have put on the roll? A Just myself.

Q Are you a Cherokee by blood? A Yes, sir.

Q How long have you lived in the Cherokee Nation? A I was born here.

Q Lived here all your life? A No, sir, I haven't been here all my life, my father and mother were taken to Texas and the Rogers took me to Texas.

Q Then did you come back to the Cherokee Nation to stay? A In 1882.

Q Did you have a certificate of election in 1882? A Yes, sir.

(The applicant presents an official document from the Assistant Executive Secretary of the Cherokee Nation, under the seal of his office, showing that Margaret Hogan was listed on the roll of April, 1891, as a Cherokee by blood. This is returned to the applicant.)

Q What was your name before it was Hogan? A I don't know Hogan in Texas; my maiden name was Gore.

Q And you are a Gore while you were a Hogan? A Yes, sir.

Q You came here in 1882? A Yes, sir.

Q Have you lived here ever since 1882? A Yes, sir, I married Mr. John McCoy.

Q When did you marry McCoy? A In 1887.

Q Did he die? A No, sir, he is alive.

Q When did you marry McCoy? A I was in the Nation in 1887.

Q He lives now? A He is living but I don't know where he is.

Q You are on the roll of 1891, then, as a Hogan? A Yes, sir.

(The applicant Woods on 1891 roll, as Hogan, is shown to be John McCoy, George George, Hogan.)

Q Is this the Hogan that you were married to? A Yes, sir.

Q When did you leave him? A I left him in 1891, he was in the Nation and I left; I was a Hogan then, and I was a Hogan when I left him.

Q When did he leave you? A I don't know, he was in the Nation.

Q Yes, when you were married to him, he was a Hogan, and he was a Hogan when he left you? A Yes, sir, he was a Hogan when he left me, and he was a Hogan when he was in the Nation.

Q He was a Hogan when he was in the Nation? A Yes, sir.

Q He was a Hogan when he was in the Nation? A Yes, sir.

Q He was a Hogan when he was in the Nation? A Yes, sir.

Q He was a Hogan when he was in the Nation? A Yes, sir.

Q He was a Hogan when he was in the Nation? A Yes, sir.

The applicant, Margaret Woods, was admitted to Cherokee citizenship in 1882, and was on the roll of 1891. She is identified on the roll of 1891. The Commissioner, in his report, makes the request that inquiry be made into the character of the roll of 1891 before final action is taken on this application, it being, in his opinion, possible that the directions in regard to that roll exclude all per-

Margaret Woods - 2

sons previously admitted and had not come to the Cherokee Nation. For the further consideration of this point, this application will be taken under advisement and will for the present be placed upon a white card.

-----o-----

James C. Jones, being duly sworn, says that as stenographer to the Cherokee Five Civilized Tribes he correctly recorded the proceedings and decisions in the above case, and the foregoing is a true and correct transcript of his stenographic notes thereof.

James C. Jones

Subscribed and sworn to before me this the 23rd of October, 1901.

C. M. McKinnis

Notary Public.

DEPARTMENT OF
COMMISSION TO THE FIVE
F I L E D
OCT 23 1960

H
6/5

Supl.-C.D.#676.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 6, 1902.

SUPPLEMENTAL in the matter of the enrollment of MARGARET WOODS
as a Cherokee citizen:

The applicant and her attorney were notified by registered letter February 15, 1902, that the case of Margaret Woods for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902. Receipt has been acknowledged of Commission's letter, and the applicant this day, to-wit: the 6th day of March, 1902, appears by her Attorney, A. M. Calloway, Claremore, Indian Territory.

Mr. W. W. Hastings, Cherokee Representatives, present.

Commission of Mr. Calloway: Is there any statement you desire to make relative to the case?

Mr. Calloway: Yes, sir. The Attorney for the applicant states that from the requirements of the Commissioner, Mr. Breckinridge, that the applicant is identified on the rolls of 1896. The Cherokee representative present at the time of the application of the applicant requesting that examination be made into the character of the rolls of 1880, and that the enrollment of this applicant be held up for that purpose, and this applicant having been notified and there being no examination on record of the rolls having been examined by the Cherokee representatives, and there is nothing bearing to dispute the title of citizenship by blood and the right of enrollment of this applicant, we ask that the applicant be listed for enrollment as a Cherokee Indian by blood.

Mr. Hastings: The representatives of the Cherokee Nation call attention to the clerical error made by the examining Commissioner or the stenographer in the judgment which states that she was admitted as a citizen of the Cherokee Nation in 1882, because the evidence in the case shows that she was admitted in 1871, and first removed to the Cherokee Nation in 1882. The Cherokee Nation disputes the right of applicant to enrollment for the reason that she did not remove to and locate in the Cherokee Nation for 11 years after her admission to citizenship in the Cherokee Nation, and that her name is not found upon the roll of 1880, and has not subsequently been admitted.

Mr. Calloway: Attorney for the Applicant states that the statement of the Attorney representing the Cherokee Nation is all the authority that we have for the examination of the rolls of 1880, and that there has been nothing to show to this Commission that there has been any examination, testimony either record or oral, documentary, disputing the right of this applicant, other than the bare assertion of the Cherokee Attorney.

Commission: The authenticated Cherokee roll of 1880 has been examined and the name of Margaret Woods does not appear of record thereon.

The Attorney for the applicant and representative of the Cherokee Nation present submit the case. The same is ordered closed and reported to the Commission for final decision based

-2-

upon the evidence now of record.

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I, J. O. Rossen, do hereby certify as Stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in the above case on this day, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rossen
Stenographer.

THE UNIVERSITY OF CHICAGO

FILED
MAR 12 1902

ARTING BRUNNEN

Cherokee D-675 Enc H-215

Cherokee D-675.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Margaret Woods for enrollment as a citizen by blood of the Cherokee Nation.

D E C I S I O N

The record in this case shows that on October 23, 1900, Margaret Woods appeared before the Commission at Claremore, Indian Territory, and made personal application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 6, 1902.

The evidence shows that the applicant's maiden name was Gere, and that she is a Cherokee by blood. On April 11, 1871, she was admitted, by the name of Margaret Hogan, to Cherokee citizenship by the duly constituted authorities of the Cherokee Nation. She has been married several times, her first husband being a man named Hogan. Afterwards in 1887, she married John Mc Coy, who died in 1894. Subsequently in 1898 she married her last husband, Albert H. Woods.

From an examination of the records of the Cherokee Nation in possession of the Commission, it appears that the applicant is identified by the name of Margaret Mc Coy on the 1890 census roll of the Cherokee Nation as a native Cherokee, and on the 1894 strip payment roll of said nation. She is also identified by the name of Margrette Mc Coy on the 1896 census roll of said Nation as a native Cherokee. She was in Texas at the time the 1890 roll was made, and consequently is not identified on said roll.

The evidence further shows that the applicant was born in the Cherokee Nation, but when very young was taken by one, Sue Rogers, to Texas. She returned to the Cherokee Nation in 1892, and since that time has resided continuously in said Nation up to and including the date of the application herein.

It is therefore the opinion of this Commission that Margaret Woods should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section 21 of the act of Congress approved June 23, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 10 1902

COMMISSIONERS:
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

WRITTEN IN REPLY TO THE FOLLOWING:

Cherokee D-678.

Muskogee, Indian Territory, December 15, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Margaret Woods for the enrollment of herself as a citizen by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. H-215.

L Decision W 676

Memoranda of testimony

Original testimony Oct. 23, 1902

Memoranda of application

Receipt for testimony

L Notice of final consideration, 3/6/02

E Dup test & order during test 3/6/02

Cher D 676

Cher D 676

Applicant's wife DOUBTFUL:

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CLAREMORE, I.T., OCTOBER 23d, 1900.

In the matter of the application of Smith Bushyhead for the enrollment of himself, wife and child as citizens of the Cherokee Nation; said Bushyhead being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Smith Bushyhead.
Q How old are you, Mr. Bushyhead? A I am 51.
Q What is your post office? A Claremore.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Cherokee? A Yes, sir.
Q By blood? A Yes, sir.
Q What degree of blood have you got? A I could not tell you that.
Q What do you want to enroll, yourself and who else? A Wife and one child.
Q What is the name of your wife? A Nellie.
Q Is she a citizen by blood? A She is a white woman.
Q When did you marry her? A Married her the year of the old settler payment.
Q Have you a certificate of marriage? A No, sir, I lost it.
Q When was the old Settler payment, before or after 1880? A After.
Q What was her name before you married her? A Summers.
Q How old is she? A 21.
Q What is the name of your child? A Mamie Edna.
Q How old is she? A She will be three years old the last of this month.
Q Is Nellie another of this child, Mamie? A Yes, sir.
Q You say you have no certificate of marriage at all? A No, sir, I lost it.

Q Who married you? A Joe Lahay's Clerk.
Q Is he living? A Yes, sir.
Q Where you married here at Claremore? A Yes, sir.
Q What is his name? A Fred McDaniel.
1880 Roll; page 74, #384, Smith Bushyhead, Coowescoowee.
1896 Roll; page 116, #540, Smith Bushyhead, Coowescoowee.
1896 Roll; page 296, #114, Nellie Bushyhead, Coowescoowee.
Q Have you got any proof of birth as to Mamie? A No.
Q How long have you been living in the Cherokee Nation? A I expect I have been living here about 51 years.
Q Is Nellie Summers your first wife? A No, sir.
Q Your first wife living? A No, sir, she is dead.
Q Did she before before you married Nellie Summers? A Yes, sir.
Q Are you living with Nellie Summers now? A Yes, sir.

Com'r Needles:--The name of Smith Bushyhead appears upon the authenticated roll of 1880 as well as the census roll of 1896, as a Cherokee Indian by blood. He avers that he was married to one Nellie Summers, a non-citizen about four years ago, and the name of

his wife, Nellie, is found upon the census roll of 1896, but presents no certificate of marriage or proof of marriage, and he avers he has one child, Mamie, three years old the result of said marriage, and presents no proof of birth as to said child. Consequently the said Smith Bushyhead will be duly listed for enrollment as a Cherokee citizen by blood, and his child, Mamie, as a Cherokee citizen by blood, upon the filing with this Commission satisfactory proof of marriage to his wife, Nellie, and proof of birth as to this child. His wife, Nellie, is also found upon the census ~~roll~~ roll of 1896, as Nellie Bushyhead. Final judgment as to her enrollment will be suspended and her name will be placed upon a doubtful card, awaiting a certificate of marriage between her and said Smith Bushyhead. Said applicant not now knowing the date of his marriage. The indications are that it was in the year 1896; if so, her enrollment will be rejected.

Smith Bushyhead -- 2.

S. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

S. O. Rosson

Subscribed and sworn to before me this 24th day of October, 1900.

A. M. H. H.

Commissioner

POOR ORIGINAL -
BEST AVAILABLE COPY

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Acting Chairman

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S U P P L E M E N T A L T E S T I M O N Y .

Card D. #676 & Card #4795.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CLAREMORE, I.T., OCTOBER 30th, 1900.

SUPPLEMENTAL TESTIMONY in the Matter of the application of
Nellie Bushyhead, D. #676, and Mamie Bushyhead, #4795, for enroll-
ment as citizens of the Cherokee Nation:

WILLIAM E. SANDERS, being first duly sworn by Commis-
sioner Breckinridge, testified as follows:
EXAMINATION BY THE COMMISSION:

- Q What is your name? A William E. Sanders.
Q What is your age? A 49.
Q What is your post office address? A Claremore.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Are you acquainted with Nellie Bushyhead, the wife of Smith
Bushyhead? A Yes, sir.
Q How long have you known her? A Since about '93.
Q Is she a white woman or Cherokee citizen by blood? A She has
always been recognized as a white woman.
Q Do you know when she was married to Bushyhead? A I could not
give the date; to the best of my knowledge somewhere in the Spring
of 1896.
Q Have they been living together continuously since that time as
man and wife? A Yes, sir.
Q So recognized by the neighbors here? A Yew, sir.
Q Was Smith Bushyhead and Nellie Bushyhead married in 1895 or
1896; do you know of your own personal knowledge when they were
married? A No, sir, I do not.
Q When do you think they were married? A I think they were mar-
ried in the Spring of 1896.

INTERROGATORIES BY W. W. HASTINGS, Cherokee Representative:

- Q When did Bushyhead tell you that they married? A He told me
this morning that he thought it was in the Spring of 1896.
Q That was his best judgement? A That was his best judgment.

W. W. Hastings:--The Attorney for the Cherokee Nation desires
to call the Commission's attention especially to the date in the
certificate of marriage filed herewith, it being March 31, 1895,
when the rest of the testimony shows that that was evidently an
error, and should have been March 31, 1896, as shown from the rest
of the testimony. This certificate was not given until four years
afterwards and is perhaps a mistake of the Clerk as to the date.
I am satisfied as to the proof of the marriage.

---OOOOOOOO---

J. O. Reason, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes, he correctly
recorded the supplemental testimony and proceedings in this case,
and that the foregoing is a true and complete transcript of his
stenographic notes thereof.

Subscribed and sworn to before me this 31st day of October, 1900.

Commissioner

2676

DEPARTMENT OF THE
COMMISSION TO THE
FILL
OCT 29 1900

[Signature]

James C. ...

R

C. D-676

Department of the Interior.
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 7, 1902.

SUPPLEMENTAL PROCEEDINGS AND TESTIMONY in the matter of the application of Nellie Bushyhead for enrollment as a Cherokee citizen.

Appearances:

A.M. Callaway, Claremore, I. T., attorney for applicant;
W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 17, 1902, that her application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 7th day of March, 1902. Receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: 7th day of March, 1902, appears by her attorney, A.M. Callaway, of Claremore, I. T.

W.E. SANDERS, being first duly sworn and being examined on behalf of the CHEROKEE NATION, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A W.E. Sanders.
Q What is your age? A Soon be 42.
Q What is your post-office? A Claremore, Indian Territory.
Q Mr. Sanders, you were an applicant around the Commission during the Cherokee enrollment? When it was in session at Claremore, were you not? A Yes sir.
Q You testified, according to this record, in October, 1900? A Yes sir.
Q You know Smith Bushyhead? A Yes sir.
Q You know his wife, Nellie? A Yes sir.
Q Now the day after they enrolled, or a short time after they enrolled, did you have any conversation with Smith Bushyhead as to the time he and his wife married? A Yes sir.
Q What time did he tell you they married? A I don't remember now what year, but he said he was going to get a statement from the clerk that he married them and the clerk that married them was in the office at the time and he signed a statement as to the best of his recollection, but I don't remember now the statement that he signed.
Q I know, that statement is here, but what statement did Smith Bushyhead, what did he tell you as to when he was married, whether it was 1895 or 1896? A It was 1896.
Q That was after he had been in before the Commission? A Yes sir.
Q Did he say whether or not there was any error as to this statement that was sent him? A Yes, he said the clerk made a mistake,
Q And that he married in 1896? A Yes sir.
Q That was after he had been before the Commission? A Yes sir.
BY MR. CALLAWAY:
Q Did he tell you positive or that he thought? A He said he was positive that there was a mistake made, that he was not married until 1896.

BY COMMISSION: By agreement between the attorney for the applicant and the attorney for the Cherokee Nation in this case it is continued until the 21st day of March, 1902.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D. Green

Supl.-C.D.#676.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., March 21, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
NELLIE BUSHYHEAD as a citizen of the Cherokee Nation, introduced
on part of the Cherokee Nation:

Case continued by agreement from March 7th to March 21,
1902. The applicant this day appears by her husband, Smith
Bushyhead, and her Agent, I. P. Bledsoe.

Mr. W. W. Hastings, Cherokee Representative, present.

SMITH BUSHYHEAD, being duly sworn, testified as follows:
MR. HASTINGS:

- Q What is your name? A Smith Bushyhead.
Q Your wife named Nellie Bushyhead? A Yes, sir.
Q Your post office is Claremore? A Yes, sir.
Q Were you ever married before you married this woman?
A Yes, sir.
Q What was your wife's name? A First one?
Q Yes? A Lizzie.
Q Was she dead; did you live with her until she died? A No.
Q Did you separate? A Yes.
Q Did you get a divorce from her? A Yes, sir.
Q Who was your next wife? A Nellie.
Q Nellie was your second wife then? A Yes, sir.
Q Did you live with any other woman in between that first wife and
second wife? A Yes, worked for several of them.
Q Did you live with a woman as your wife? A Oh, no!
Q When did you marry Nellie Bushyhead? A I married her before
the old Settler payment.
Q In March? A Yes.
Q Well, you know that that was March, 1895 or March 1896?
A No.
Q You don't know? A No.
Q Don't you work for Mr. Lipe's people in the summer of 1895 and
married the next spring, March? A I could not tell you that.
Q You know now how many years ago you married? A No.
Q You don't know? A No.
Q Don't you have any idea? A No, sir.
Q Well, when did you get your divorce, did you get it before you
married your last wife? A Oh, yes.
Q Well, you got it in March before the old Settler payment; I mean
you married this woman in March before this old settler payment?
A Yes, sir.
Q Is that the way of it? A Yes, sir.

MR. BLEDSOE:

- Q You got a certificate of your marriage didn't you? A Yes.
Q You got a paper to show when you was married? A Yes.
Q Who did you get that from? A I got it from Tahlequah.
Q Got it from the Executive office over there? A Yes.
Q Who did you have to write to to get that paper from over there,
who was the Clerk at Claremore, who did you write to to get it?
you told me out doors yonder; it was when Joe Lohay was at Clare-
more? A I don't understand it.
Q Who got that certificate for you? A Which?
Q Certificate of marriage?

Mr. Bledsoe: We object to all this testimony because the record is there, the certificate is there from the executive office showing that he was married in March, 1895. We object to all this testimony because the record is the best testimony that can possible be adduced.

MAGGIE L. LIPE, being duly sworn, testified as follows
on part of Cherokee Nation:
MR. HASTINGS:

- Q What is your name? A Maggie E. Lipe.
Q What is your post office, Mrs. Lipe? A Oolagah.
Q How long have you lived in and about Oolagah? A I moved there in '76, on the 27th day of April.
Q Do you know the applicant's husband, Smith Bushyhead? A Yes, sir I have known him ever since I moved there; I have known him ever since I have been there; I don't know how long I have known Smith.
Q Does he work for you? A He does all of our choring, evrything I need that a farm hand can't he does that.
Q Worked and lives there near? A He worked there most of the time and lives there, he kept a room and trunk there and all of his tools, and moved off in 1896, when he married.
Q When did he marry? A He married in March, 1896, just before the old settler payment.
Q Do you know where he was in March 1895? A Yes, sir; he was working for me, stacked wheat, and then he went away, Mr. Musgrove wanted him to built a flue for him, and he went off and I didn't see him any more until in January, it was in 1896, and I tried to get him to put this marriage off and come and build a fence for me.
Q You are positive of that? A Yes, sir, I am positive of that as I am that I am here; Smith knows it.
Q Have you ever talked to his wife about the date of this marriage? A Yes, I told both of them I was coing down here to swear against them; Didn't I, Smith, tell you that?
Q What date did she tell you she was married in? A She doesn't know either.

COMMISSION:

- Q Does he know? A He says he doesn't. He told me March 31; wasn't it, Smith, in March before the old settler payment, 31st, 1896.

MR. BLEDSOE:

- Q Are you positive it was the year 1896? A Yes, sir; am I here, I am positive.
Q What makes you say positive about that, Mrs. Lipe.
A Why I have known Smith all these years.
Q What particualar instance makes you know it was in 1896?
A Because he brought his wife down there; I know the years, I don't forget years, and it was just before this old settler payment and brought his wife out there in July and she helped me.
Q Worked through the harvest in 1895? A In 1896, sir.
Q Do you know what he was doing in March, 1895? A Yes, sir; he stacked hay for me.
Q Do you know what he was doing in 1894? A Yes, sir, he followed the payment.
Q Do you know what he did in 1893? A No, sir.
Q Do you know what he was doing in 1897? A In 18 7 he was at home.
Q What did he do that year? A Smith generally fishes around and hunts, it is not my business to keep up with the neighbors all the while.

Q Does he live neighbors to you? A Yes, sir; just half a mile.
Q Isn't it a fact that you are afraid that if his wife got on that roll, you are afraid she would get some of your land?
A No, sir.
Q Isn't there some little felling between you? A No, sir, she is my best friend; she was there visiting the other day, wasn't she Smith. I am doing my duty, told them both I would come.

HERMAN LIPE, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HASTINGS:

Q What is your name? A Herman Lipe.
Q You are the son of the other witness? A Yes, sir.
Q Post office Oolagah? A Yes, sir.
Q What is your age? A 26.
Q Do you know Smith Bushyhead? A Yes, sir.
Q Do you know his wife, Nellie? A Yes, sir.
Q Where were you in the year 1895? A I was at home with my mother.
Q Did you go to school that year? A I went the ~~next~~ first part of 1896 up until June, just about the first day of June and I came home from the Seminary.
Q Where was Smith then? A He was then working for mother.
Q Was he a single man then? A Yes, sir.
Q That was in June, 1895? A Yes, sir.
Q When did he marry his wife Nellie? A He married her sometime the next winter, spring like.
Q You know that he was not in March, 1895? A No, sir.
Q It was in the spring of 1896? A Yes, sir; it was just before the old settler payment.

Mr. Bledsoe: Now comes the attorney for the applicant and objects to all this oral testimony upon the grounds that we have written testimony that is the best possible evidence that can be adduced in any court and no oral testimony should take precedence and rule out written testimony. If that did our government would be false and that would be simply a fragile fabrication. Written testimony has long since been considered our fundamental principle of law, while oral testimony is simply superfluous; and furthermore, the applicant, knowing the disposition of the Cherokee people byblood as affects white people, as feeling exists against them, we object upon that ground, and also upon the ground that the applicant in this case is almost a full blood Indian and totally ignorant of the facts.

Mr. Hastings: The Cherokee Nation contends that this record is clearly erroneous, as not only has been proven by the two witness present but also by W. E. Sanders, who not only testified at Claremore, Indian Territory, about the time the first application was made for this woman, but also at a later date here at Muskogee, and this applicant was duly notified that evidence was going to be introduced at this date which would show that this certificate was an erroneous one, but instead of March 31, 1895, that he was married to this woman on March 31, 1896/

Mr. Bledsoe: All of which the agent for the applicant objects from the simply fact that written testimony should be

offset by published testimony and not by oral testimony.

Commission: The agent for the applicant and representative of the Cherokee Nation present submit the case. The same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

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I, J. O. Ransom, being duly so hereby certify that as stenographer to the commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Ransom

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 28 1902

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C. D-676.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., March 21, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Nellie Bushyhead for the enrollment of herself as a citizen of the
Cherokee Nation.

Appearances:

I. P. Bledsoe, Agent for applicant.
W. W. Hastings, attorney for applicant.

GEORGE BUSHYHEAD, being first duly sworn, and being examined,
testified as follows:

MR. BLEDSOE: What is your name. A George Bushyhead.
Q How old are you? A Thirty-five years old.
Q Where do you live? A Saline.
Q Cherokee Nation? A Yes sir.
Q Are you a Cherokee Indian by blood? A Yes sir.
Q What is your father's name? A Smith Bushyhead.
Q Where does he live? A Close to Foyil(?)
Q Do you know his wife, Nellie? A Yes sir.
Q Do you know when he married her?
A A little after I married
Q When did you marry? A In 1895, the 7th day of March.
Q Marry in the same month? How long after you married that he
married?
A I didn't remember, but it was after I was married, in that year.
Q How long after you married? A About three or four months,
I believe.
Q Did he marry in the same year you married? A Yes sir.
Q And you know that you married the 7th day of March, 1895?
A Yes sir.

MR. HASTINGS: Were you living up there with your father?
A No, I live in Saline.
Q Sixty or seventy miles from him? A Yes sir.
Q When did you go to see him after you was married?
A A year afterwards-- a little over three months.
Q Where was your father living then?
A North from Jake Lipe's place.
Q In the house? A Yes sir.
Q How far from Jake Lipe's?
A Half a mile or over.
Q What year is this? A This is 1902.
Q How many years ago has it been since 1895? A Seven years.
Q Were you ever married before you married this woman? A No sir.
Q Do you know what year the Cherokee payment was?
A Which Cherokee Payment.
Q The Cherokee strip payment? A That was 1894.
Q What day of the month did you marry on. A In March.
Q What date? A The 7th.
Q It was three or four months after that before you saw your
father? A Yes sir.
Q Do you swear now that he was married?
A I was married in 1895, and after I married I went to see him over
to the Verdigris. It was in the same year.
Q When you made that trip, you will swear that your father was
married and living with that wife at that time? A Yes sir.
Q During that year? A Yes sir.

Comes now the representative of the Cherokee Nation, and moves that this case be continued until April 8th, for the purpose of thoroughly investigating the question as to the marriage of Smith Bushyhead and his wife Nellie.

BY COMMISSION: The motion of the representative of the Cherokee Nation will be entertained.

Notice is hereby given to the next agent of the applicant, that on said date testimony will be introduced by the representative of the Cherokee Nation tending to disprove the right of the applicant to citizenship in the Cherokee Nation.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

2676

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 5 1902

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 5, 1902.

In the matter of the application of Nellie Bushyhead for the enrollment of herself as a citizen of the Cherokee Nation.

CASE REOPENED BY AGREEMENT.

Case continued by agreement from March 24
to April 5, 1902.

Applicant represented by I. P. Bledsoe, Chouteau, I.T.
Cherokee Nation represented by W. W. Hastings.

MR. HASTINGS: The Cherokee Nation desires to offer in evidence a certificate from the Executive Department of the Cherokee Nation, which shows the condition of the marriage records of Coowascoowee District and the pages immediately preceding and those immediately following the entry of the marriage certificate of Smith Bushyhead and Nellie Case; the said certificate being dated the 26th day of March, 1902, and signed by J. T. Parks, Executive Secretary, with the seal of the Cherokee Nation.

W. W. HASTINGS, being first duly sworn, testified as follows:

My name is W. W. Hastings; age is 35 years; postoffice is Tahlequah. I am the representative of the Cherokee Nation before the Commission to the Five Civilized Tribes in making a roll of Cherokee citizens.

I wanted to satisfy myself as to the date of this marriage, there having been considerable controversy about it. I went to Tahlequah on I think the 26th of March, and remained over there a week, and during this time I consulted this marriage record. I kept in mind that some of the witnesses had testified that this marriage took place on the 31st day of March, 1895, while others testified that it took place on the 31st day of March, 1896; and I examined the book which contained this marriage certificate for the purpose of noticing the dates of the entries which were made immediately before this entry was made, and the dates that were made after that, and I found that perhaps for twenty entries made prior to this one that they were made in the year 1896, and the front side of the page upon which this marriage certificate was recorded contains the entry that is found upon this certificate that I have just filed, which was to the effect that the entries had been made up to there March 31, 1896.

I did this, as above stated, believing that if this marriage really took place in 1895 that it was recorded at that time, and that these entries immediately before and immediately after would be in 1895, and that if it was a clerical error of the clerk why the entries before would show 1896 and the entries following would show 1896, and I found that the entries immediately before this and those immediately after, as above stated, were all 1896.

COMMISSION: The agent for the applicant and the representatives of the Cherokee Nation present submit the case. The record in the same is deemed completed, and will be reported to the Commission for final decision based on the evidence now of record.

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Arthur S. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur Croninger

Subscribed and sworn to before me this 10th day of April, 1902.

Philip F. Reuter

Notary Public.

OLD
10, 1932

A. T. C. O. M. S.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Nellie Bushyhead for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on October 23, 1900, Smith Bushyhead appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment, among others, of his wife, Nellie Bushyhead, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at the following places in the Indian Territory, viz: At Claremore on October 30, 1900, and at Muskogee on March 7, 1902, March 21, 1902 and April 5, 1902. The other parties to this application are differently classified and are not embraced in this decision.

The evidence shows that the applicant is a White woman, and it is averred that she was lawfully married to Smith Bushyhead, a native Cherokee, on March 31, 1896. It is clearly established by the weight of evidence, however, that the date on which such marriage occurred was March 31, 1896.

The said Smith Bushyhead, husband of the applicant, is identified as a native Cherokee on the 1880 authenticated roll of the Cherokee Nation, and on the 1896 census roll of said Nation. The applicant is also identified on the 1896 census roll as a White adopted citizen.

Section 21 of the Act of Congress approved June 28, 1898, (30 Stats. 495), provides for the enrollment of Cherokee citizens "with such intermarried White persons as may be entitled to citizenship under Cherokee laws". Section Eleven of the same Act shows that said rolls are to contain only the names of those who are entitled to share in the lands of the Cherokee Nation, and is as follows:-

"That when the roll of citizenship of any one of said Nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof; considering the nature and fertility of the soil, location and value of same".

An Act of the Cherokee National Council approved December 16, 1898, provides:-

"That from and after the passage of this Act, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Section 659 to Sec. 669, inclusive, pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood who may marry Cherokees by blood, Delawares or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith

Decision #2.

Cherokee D-476.

are hereby repealed".

The applicant having married a Cherokee by blood subsequent to the passage of said Act did not acquire rights of Cherokee citizenship.

It is therefore the opinion of this Commission that the application of Nellie Bushyhead for enrollment as a citizen by intermarriage of the Cherokee Nation, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tame Birby

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

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Jan. 19, 1901

B. W. Albery

SUBPOENA.

INDIAN TERRITORY,)
Cherokee Nation.) SS.

TO ANY LAWFUL OFFICER:

You are commanded, in the name of the Cherokee Nation, by authority of an Act of the National Council of the Cherokee Nation, entitled "An Act making provision for the representation of the Cherokee Nation in the completion of the roll of the citizens of the Cherokee Nation, and for other purposes," approved by the Principal Chief of the Cherokee Nation, December 19, 1901, and by the President of the United States, January 20, 1902, to summons

W. W. Hastings

to be and appear before the United States Commission to the Five Civilized Tribes, at Muskogee, I. T., on the 81st day of March, A. D. 1902, then and there to give evidence in such contested citizenship cases as the representatives of the Cherokee Nation may desire.

Dated March 10, 1902.

W. W. Hastings

No.

Attorneys for the Cherokee Nation.

SUBPOENA.

INDIAN TERRITORY, |

Cherokee Nation, |

SS.

TO ANY LAWFUL OFFICER:

You are commanded, in the name of the Cherokee Nation, by authority of an Act of the National Council of the Cherokee Nation, entitled "An Act making provision for the representation of the Cherokee Nation in the completion of the roll of the citizens of the Cherokee Nation, and for other purposes," approved by the Principal Chief of the Cherokee Nation, December 19, 1901, and by the President of the United States, January 20, 1902, to summons

to be and appear before the United States Commission to the Five Civilized Tribes, at Muskogee, I. T., on the 1st day of March, 1902, then and there to give evidence in such contested citizenship cases as the representatives of the Cherokee Nation may desire.

Dated March 10, 1902.

W. W. Hastings

Attorneys for the Cherokee Nation.

No

POOR ORIGINAL -
BEST AVAILABLE COPY

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HENRY C. DAWSON
JAMES BEARD
THOMAS B. NELSON
C. R. D. AND OTHERS

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 676.

Muskogee, Indian Territory, November 14, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 12, 1902, rejecting the application of Nellie Bushyhead for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enclosure H. No. 15.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 676.

ATTEND ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 6, 1903.

W. W. Hastings,

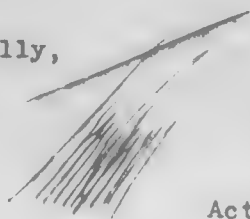
Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision,
dated November 12, 1902, rejecting the application of Nellie Bushy-
head for the enrollment of herself as a citizen by intermarriage of
the Cherokee Nation, was affirmed by the Secretary of the Interior
on December 15, 1902.

Respectfully,



Acting Chairman.

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Decision 10 676

Hollo Bushyhead.

A. Original testimony, Oct 23, 1900.

B. Memoranda of application.

C. Supplemental testimony, Oct 30.

D. Notice of final consideration, 3/7/02.

E. Receipt for testimony.

Supplemental testimony 3/10/02.

See Coho Key Jacket No 4795.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I.T., October 23, 1900.

In the matter of the application of Joseph E. Poland for the enrollment of himself as a Cherokee by intermarriage and his wife and five children as Cherokees by blood: being sworn and examined by Commissioner Breckinridge, who testified as follows:

- Q Give me your full name? A Joseph E. Poland.
Q How old are you? A 45.
Q What is your post office? A Catoosa.
Q In what district do you live? A Coowasee.
Q Who is it you want to have enrolled, yourself and family?
A Yes, sir.
Q Have you a wife? A Yes, sir.
Q How many children have you? A Five.
Q Are you a Cherokee by blood? A No, sir.
Q What is your wife? A Cherokee by blood.
Q Let me see your license and certificate please.
(The applicant presents a license issued by the clerk of Coowasee district, authorizing his marriage to his wife on January 19, 1895, and the certificate shows that they were united in marriage by the clerk on the same date.)
Q You were married under United States law previous to this Cherokee marriage were you not? A Yes, sir.
Q When were you married under United States law? A It has been about 1884, I don't know exactly.
Q Have you lived with your wife ever since you married her in January, 1885? A Yes, sir.
Q And all the time in the Cherokee Nation? A Yes, sir.
Q Were you ever married except to this wife? A No, sir.
Q Your wife's full name now is Maggie Poland? A Yes, sir, Margaret Ann.
Q Was Dougherty her maiden name? A Yes, sir.
Q Give me the name of her father? A Ben H. Dougherty.
Q Is he dead or alive? A He is dead.
Q Give me the name of her mother? A Louisa.
Q Is she dead or alive? A Dead.
Q How old is your wife? A 34.
Q How long has your wife lived in the Cherokee Nation, has she lived here all her life? A No, sir, since 1891.
Q Was she admitted to Cherokee citizenship by the Cherokee Council or Commission? A She was admitted by the Council.
Q Let me see the certificate of admission?
(The applicant presents an official copy of a bill of the Cherokee Council, approved December 6, 1894, admitting various persons to citizenship, and among them appears the name of M. A. Poland, with her family, who are made entitled to all the rights and privileges of Cherokee citizenship by blood.)
Q That is the name of your wife, is it? A Yes, sir.
(This is recognized as official evidence of his wife's admission at the time stated, and the document is returned to the applicant.)
Q Now you and your family have lived here ever since 1891 have you?
A Yes, sir, haven't been out but two weeks I believe.
Q And you and your wife have lived together ever since you were married? A Yes, sir.
Q Was she ever married except to you? A Yes, sir.
Q Was her former husband dead when she married you? A No, sir.
Q Did she have a divorce from him? A Yes, sir.
Q Have you a copy of the decree of divorce? A I haven't with me.
Q Was she married only once before she married you? A Only once.
Q What was the name of her former husband? A Pyburn.
Q Give me his full name? A Chappell Pyburn.
Q When was she divorced from him? A Along about 1884, I believe.

Joseph E. Feland - 2.

she can tell you.

Q Where was she divorced from him? A In Texas.

Q What county? A Benton County.

Q Give me the names of your children? A She had one child by this man Pyburn, Ernest C., 15 years old.

Q Give me the other children? A Minnie Feland, 11 years old.

Q The next child? A Joseph E., Jr., 6 years old.

Q The next child? A Rosa Lee, 4 years old.

Q The next child? A Lela Bell, a little over a year old.

Q That is all, is it? A Yes, sir.

Q These children are all living now are they? A Yes, sir.

Q Where is your wife? A She is back there.

Maggie A. Feland, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Maggie A. Feland.

Q You are the wife of Mr. Joseph Feland here? A Yes, sir.

Q You were married before your marriage to him to a man named Pyburn were you not? A Yes, sir.

Q Were you divorced from him? A Yes, sir.

Q You were divorced from him before you married your present husband

A Yes, sir, I was.

Q Have you a copy of the decree of divorce? A I don't believe I have, I have it at home, ~~taxtaxtax~~ not with me.

Q You haven't it with you at this time? A No, sir.

Q It was granted to you, was it, in Benton County, Texas? A Yes, I have a paper.

(Joseph E. Feland on 1896 roll, page 304, No. 358, Cooweescoowee district. Margaret A. Feland on 1896 roll, page 157, No. 1739, Margarette A. Feland, Cooweescoowee district. Ernest C. Pyburn on 1896 roll, page 157, No. 1730, Earnest Feland, Cooweescoowee district. Minnie Feland on 1896 roll, page 157, No. 1731, Cooweescoowee district. Joseph E. Feland, Jr., on 1896 roll, page 157, No. 1732, Joseph Feland, Cooweescoowee district. Rosa Lee Feland on 1896 roll, page 157, No. 1733, Rosa Feland, Cooweescoowee district.)

The applicant applied for the enrollment of himself, his wife and five children, four children of the present marriage and one the child of his wife by a former marriage. His wife is shown to have been admitted to Cherokee citizenship with her family in 1894, she has lived in the Cherokee Nation since 1891, she is identified on the roll of 1896, and she will be listed for enrollment as a Cherokee by blood. Her child by her former husband, Ernest C. Pyburn, is identified with her on the roll of 1896, he is living with her now, is still a minor, and will be listed for enrollment as a Cherokee by blood. The three succeeding children, Minnie, Joseph E. Jr., and Rosa Lee Feland, issue of the present marriage, are identified with their parents on the roll of 1896, are living now, and will be listed for enrollment as Cherokees by blood. When a certificate of the birth of the youngest child, Lela Bell Feland, is filed with the commission, this child will be listed for enrollment as a Cherokee by blood.

The applicant is shown to have married his wife in accordance with Cherokee law in January, 1895. They were married many years previous under United States law. He has lived with her in the Cherokee Nation ever since their marriage under Cherokee law, and he is identified with his wife on the roll of 1896. He and his wife state that she procured prior to her marriage to the applicant a decree of divorce from her former husband. She has no copy of it at this time. Pending the receipt by the commission of official evidence of that divorce, the application for the enrollment of the applicant will at this time be placed upon a doubtful card, and when a final decision is reached by the commission, he will be informed at his post office address.

1911

James G. Jones

He this the 23rd of October, 1900.

Wm. H. Miller

Comd'g Gen.

continued over.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 23 1900

Acting Chairman

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 23 1900

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ACTING CHAIRMAN

S U P P L E M E N T A R Y - T E S T I M O N Y .

CARD "D" 677.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CLARKMORE, I.T., NOV. 18th, 1900.

IN THE MATTER OF THE APPLICATION OF Joseph E. Poland for enrollment of himself et al as citizens of the Cherokee Nation, and the said Poland being sworn and examined by Commissioner, C. F. Breckinridge, testified as follows:

Q Mr. Poland; you and your wife were married under United States law in ~~1888~~ 1884? A No sir; I thought it was 1884, but it was 1888.

The applicant presents an official copy of the records of Denton County, Texas, showing that he was married to his wife, under United States law on the 12th of January, 1888, by George L. Eutton, Justice of the Peace: This is filed herewith.

Applicant also presents a copy of the decree of divorce, showing that on the 7th day of January, 1888, his wife was granted a divorce from her former husband, C. D. Pyburn, by the District Court of Denton County Texas: This is filed herewith.

These documents and this testimony will be filed with the application of Joseph E. Poland, Card "D", No. 677.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 13th day of November, 1900.

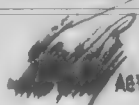

COMMISSIONER.

D 677

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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 ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 20, 1902.

In the matter of the application of Joseph E. Feland for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

JOSEPH E. FELAND, being sworn, testified as follows:

By the Commission,

- Q What is your name? A Joseph E. Feland.
Q What's your age? A Forty-six.
Q Postoffice? A Claremore, it was Catoosa.
Q Are you the same Joseph E. Feland that made application for enrollment as an intermarried citizen in October, 1900? A Yes, sir, I made application.
Q What's your wife's name? A Margaret.
Q Is she a Cherokee by blood? A Yes, sir.
Q Is she living? A Yes, sir.
Q When were you married to your wife, Margaret? A First married in '88.
Q Where? A In Texas.
Q And were you married over to the same woman? A Yes, sir.
Q When were you married over? A In '95.
Q In '95, what time? A I don't remember now what time.
Q Married this last time to her under Cherokee license? A Under Cherokee law, yes, sir.
Q Had you ever been married before you married this wife? A No, sir.
Q Had she ever been married before her marriage to you? A Once.
Q What was her first husband's name? A C. B. Parbon.
Q Was he living or dead when you married your present wife? A It is not known, she was divorced.
Q Did you file a copy when you made your other application? A Yes, sir.
Q You are her second husband? A Yes, sir.
Q She's your second wife? A I never was married before.
Q She was your first wife, then? A Yes, sir.
Q Have you and she lived together from the date of your marriage to the present time? A Yes, sir.
Q Never been separated? A No, sir.
Q Living together as husband and wife on the first day of September, 1902? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A We came here in '91, I believe it was.
Q Been in the Cherokee Nation all the time since 1891? A Yes, sir.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Subscribed and sworn to before me this 22nd day of November, 1902.

W. B. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joseph E. Feland for enrollment as a citizen by intermarriage of the Cherokee Nation.

DECISION.

--000--

The record in this case shows that on October 23, 1900, the applicant, Joseph E. Feland appeared before the Commission at Claremore, Indian Territory, and then and there made personal application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife Margaret A. Feland, his minor step-child Ernest C. Pyburn, and his four minor children Minnie, Joseph E. Jr. Rosa L., and Lola B. Feland as citizens by blood of the Cherokee Nation.

Applicant again appeared before the Commission on November 12, 1900 at Claremore, Indian Territory, and also on March 7, 1902, at Muskogee, Indian Territory and submitted additional testimony herein. Margaret A. Feland, Minnie Feland, Joseph E. Feland, Jr., Rosa L. Feland, Lola B. Feland and Ernest C. Pyburn were listed by the Commission on Cherokee roll card, Field No. 4799, and their rights are not considered or passed upon at this time. This applicant was listed on a "Doubtful" card to await evidence of the divorce of his wife from a former husband, and the same has now been supplied.

It appears from the evidence that the applicant Joseph E. Feland was married on January 12, 1888, under the laws of the State of Texas to Margaret A. Pyburn, nee Deugherty, a citizen of the Cherokee Nation, and that she had at that time been lawfully divorced from a former husband, and it also appears from the evidence that afterwards on January 19, 1898, this applicant was re-married to his

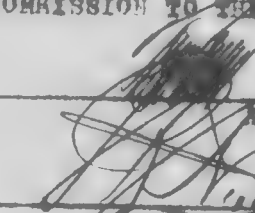

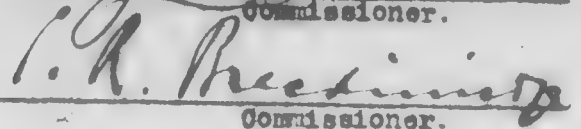
-3-

said wife under Cherokee license in accordance with the tribal laws of the Cherokee Nation, and has resided in said Nation continuously with his wife and children since his re-marriage to her, and he is duly identified on the Cherokee Census roll of 1896.

The authority of the Commission herein is defined in Paragraph 1, Sec. 21, of the Act of Congress, June 28, 1898 (30 Stats., 498).

It is therefore the opinion of the Commission that Joseph E. Peland is lawfully entitled to be enrolled as a member by intermarriage of the Cherokee Tribe of Indians in Indian Territory and that his application for enrollment as such should be granted, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this MAY 20 1902

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALFRED L. AYERWORTH
CLERK

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REPLY IN WRITING TO THE FOLLOWING

D- 677.

Muskogee, Indian Territory, May 31, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

Enclosed herewith, please find a copy of the decision of the Commission rendered May 30, 1902, in the matter of the application of Joseph E. Feland for enrollment as a citizen of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the above named person as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Very respectfully,


Commissioner in Charge.

Enc. D-677.

Joseph D. Bond

- 1. Original testimony, Oct 23, 1900.
- 2. Memoranda of application.
- 3. Supplemental testimony, Nov. 12, 1900.
- 4. Cert. Copy Marriage License & Certificate.
- 5. Cert. Copy Decree of Divorce.
- 6. Notice of final consideration, 5/11/02.

1. Certified copy of a dismission
of applicant's wife

Supple. to this form on the ground
order placed at the time of 3/1/02

1892

See Enigma See Ref. 4-99

to the end

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Cher D 678

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CLAREMORE, I.T., OCTOBER 23d, 1900.

In the matter of the application of Jess L. Ruddles for the enrollment of himself and children as citizens of the Cherokee nation said Ruddles being sworn and examined by Commissioner AT. B. Needles, testified as follows:

- Q What is your name? A Jess L. Ruddles.
Q How old are you, Mr. Ruddles? A 44 years and a half.
Q What is our post office address? A Catoosa.
Q Are you a recognized citizen of the Cherokee nation? A Yes, sir.
Q By blood or intermarriage? A By blood.
Q What district do you live in? A Cooweescoowee.
Q Who do you desire to enroll? A Myself and three children.
Q What is the name of your children? A Jesse Francis Ruddles.
Q How old is he? A 15 years old past.
Q What is the name of the next child? A Clara Isabell.
Q How old is she? A 14 years old.
Q What is the name of the next child? A Charley.
Q What is the name of the mother of these children? A Her name was (Can't remember her name.)
Q Was she a white woman? A Yes, sir.
Q When were you married to her? A 1884.
Q Have you got any certificate of marriage? A I have not got any certificate, but I can prove it.
1880 enrollment; page 163, #2376, J. L. Ruddles, Cooweescoowee.
1896 enrollment; page 246, #4140, Jesse L. Ruddles, Cooweescoowee.
Q Was your wife living in 1896? A Yes, sir.
1896 enrollment; page 246, #4141, Jesse Ruddles, Cooweescoowee.
1896 enrollment; page 246, #4142, Clara J. Ruddles, Cooweescoowee.
1896 enrollment; page 246, #4143, Charley Ruddles, Cooweescoowee.
Q What was your wife's name before you married her, Mr. Ruddles?
A Rosanna Bunn.
Q When did you marry her? A I married her in 1884.
Q Is she the mother of these children? A Yes, sir.
Q She is not living now? A No, sir.
Q Have you married since? A No, sir.
Q Who married you? A A fellow by the name of Kit Castle.
Q Is he living? A I do not know, we were married in the States.
Q Where were you married? A Wyoming.
Q How long have you lived in the Cherokee nation? A I have lived here ever since about ten years ago. Only what time I have been bumming around in the country.
Q You married in 1884? A Yes, sir.
Q Did you settle down in the Cherokee nation? A When I come back here, yes, sir.
Q About what year did you come back? A About 12 years ago.
Q Been living here continuously since, for the last 12 years? A Yes, sir.

By John C. Starr, Cherokee representative.

- Q After you married in Wyoming in 1884, did you keep house there? We had a home, yes; month or two in a place.
Q How long did you stay in Wyoming? A In Wyoming two or three years at different places.
Q When you went to Wyoming did you ~~take~~ take your effects; did you have any property here? A I did not have any property except some mags. I was a young fellow, unmarried.
Q How long was it after you moved until you returned to the Indian Territory? A I do not know exactly.

Jesse L. Ruddles:--2.

By Commissioner T. B. Needles:

- Q What was you doing in Wyoming? A Bumping around, working.
Q Did you vote out there? A No, sir, never voted in the states in my life.
Q You considered your home in the Cherokee nation; were you just knocking around in the country? A Yes, sir.
Q You married in 1884? A Yes, sir.
Q Married out there? A Yes, sir.
Q How long was it after you married until you come back to the Cherokee nation? A I could not hardly tell you.
Q You say you have been here 12 years? A Yes, sir.
Q Lived here all the time since you come back? A Yes, sir.
Q Where was these children born? A Two of them born in Wyoming.
Q Which one was born in Wyoming? A Jesse.
Q Was Clarrie born in Wyoming? A Yes, sir.
Q Where was Charley born? A Born in this country.
Q The other two children were born in Wyoming? A Yes, sir.
Q Were you an actual resident of the Cherokee nation with your family in 1898, three years ago? A My wife died here three years ago last July, 18th day of last July.
Q You have been living here ever since? A Yes, sir.
Q How long were you living here before your wife died? A (No response.)
Q I understand you to say that you lived here with your wife and family on the 28th day of July, 1898, that is three years ago? A Yes, sir.
Q Living here now? A Yes, sir.

Com'r Needles:--The name of Jesse L. Ruddles appears upon the authenticated roll of 1886 as well as upon the census roll of 1896. He avers that he was married to one Rosanna Bunn, a citizen of the Cherokee nation no doubt, but presents no proof of marriage. He also avers that the result of said marriage was three children, Jesse B., Clara I. and Charley, whose names appear upon the census roll of 1896. As to his residence see his testimony. By reason of his residence in the State of Wyoming according to his testimony, and because no certificate or proof of marriage is presented as to his marriage with said Rosanna Bunn, his alleged wife, now deceased, and because of the protest of the Representatives of the Cherokee nation, protest as to the enrollment of himself and family because of his having been a non-resident, final judgment as to the enrollment of said Jesse L. Ruddles and his children will be suspended, and their names will be placed upon a doubtful card.

The Representative of the Cherokee Nation calls attention of the Commission to Section 2, Article 1 of the Constitution of the Cherokee nation.

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J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 24th day of October, 1900.

Commissioner.

DEPARTMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

OCT 24 1900

CHAS. HARMAN
CHAIRMAN

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C. D-678

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 10, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Jesse L. Ruddles for the enrollment of himself and children as Cherokee citizens.

Appearances:

A.M.Callaway, Claremore, I. T., attorney for applicant;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicants and their attorney were notified by registered letter February 17, 1902, that the application of Jesse L. Ruddles for the enrollment of himself and children would be taken up for final consideration by the Commission on the 7th day of March, 1902; receipt has been acknowledged of the Commission's letter and on said date to-wit: the 7th day of March, 1902, the applicants appeared by their attorney, A.M.Callaway, and by agreement with the representative of the Cherokee Nation present the case was continued until the 21st day of March, 1902. The applicants this day to-wit: the 10th day of March, 1902, appear by their attorneys A.M.Callaway, and by agreement the case is taken up this the 10th day of March, 1902, for final consideration.

BRYANT C. REDINGTON, being first duly sworn and being examined testified as follows:

BY MR. CALLAWAY:

Q You can state your name? A Bryant C. Redington.

Q Where do you live? A I live at Webbers Falls, Indian Territory.

Q What is your age? A 45 years.

Q Are you acquainted with the applicant, Jesse L. Ruddles? A Yes sir.

Q Jesse L. Ruddles made application for enrollment as a citizen of the Cherokee Nation by blood and his enrollment was held up for the reason that he was out of the Territory for some length of time, I will ask you to tell briefly, if you know, why Mr. Ruddles was out and how long he was out, and if he left any property in the Territory? A Why, the reason that he went out he simply went out with one of his neighbors to drive a team when he went away, and when he first started he was to be gone but about six months and they were to return. The reason he didn't return just when he did he got into a little difficulty and on that visit and the man that hired him didn't furnish any way to get back; he left everything here; when he went off he didn't take anything, only what he had on him.

Q Did he have any property here? A Yes sir.

Q What did he have? A Some hogs and a claim that he had.

Q Did you hear from Mr. Ruddles during the time of his absence? A Yes sir.

Q Instruct you in any way in regard to this property, if so, what? A Yes, he asked me to look to his claim and hold it until he got back. He got into a difficulty and didn't get back as quick as he expected to.

Q Did you do the work? A Yes sir.

BY MR. HASTINGS:

Q Is he present himself? A No sir.

Q Where is he? A Out the door there.

Q The applicant himself swore in answer to the question that he left no property here except some hogs? A Well he had property here, his hogs and his claim.

Q How long did he keep the claim? A Oh I kept it up there a good long while, I don't know how long.

- Q And then he let it revert to the public domain? A I don't know whether he did or not; it was there; it was here when he came back.
- Q Oh well, the whole Cherokee Nation was here then? A Yes sir.
- Q But you know his farm was not cultivated when he came back? A No it was not cultivated.
- Q In other words it reverted to the Cherokee Nation didn't it? A I couldn't say; they didn't anybody else use it.
- Q Didn't anybody cultivate it did they? A No sir.
- Q He married out in the states, in Wyoming? A Yes sir.
- Q And had two children born when he came back here? A Yes sir.
- Q What did you do with those hogs? A Didn't do anything with them.
- Q They just went wild didn't they? A Yes sir, they stayed there in the bottom.
- Q What did you do with his horse? A His father kept his horse there
- Q What ever became of it, did it die or old age? A I can tell you what became of the horse, his father traded it for a yoke of oxen.
- Q And the yoke of oxen, they sold them? A No sir.
- Q Well tell us loud enough so we can hear you, I never said stole them I said sold them? A He traded them for another horse.
- Q Traded them as his own? A I was not with him I couldn't say.
- Q You don't know what ever became of the hogs? A I don't know sir.
- Q How many hogs did he leave? A I didn't know.
- Q Did he leave two or three? A Oh yes, he left more than that.
- Q You know what his mark was? A Well I couldn't say exactly what his mark was.

BY COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation submit the case; same is considered completed and will be ~~presented~~ reported to the Commission for final decision based upon the evidence now of record. The attorney for the applicant requests and will be granted 15 days in which to file a brief in the case, one copy with the Commission and one copy with the representative of the Cherokee Nation.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D. Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jesse L. Ruddles for the enrollment of himself and his three minor children, Jesse P., Clara I. and Charley Ruddles as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on October 23, 1900, the applicant, Jesse L. Ruddles, appeared before the Commission at Claremore, Indian Territory, and then and there made personal application for the enrollment of himself and his three minor children, Jesse P., Clara I. and Charley Ruddles, as citizens by blood of the Cherokee Nation. At the conclusion of the testimony offered at that time the names of all the applicants herein were placed upon a doubtful card for further consideration. Further testimony was submitted in this case on March 10, 1902 at Muskogee, Indian Territory.

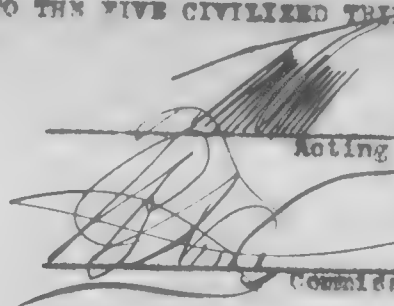
It appears from the evidence in support of this application that Jesse L. Ruddles is identified on the 1836 authenticated tribal roll of the Cherokee Nation and on the 1896 Census Roll of the Cherokee Nation. It further appears that about the year 1884 he was living in the state of Wyoming, and did not return to the Cherokee Nation until about the year 1888. Just when he went to the state of Wyoming is not disclosed. It further appears that he was lawfully married to Rosanna Rumm on October 7, 1884 in the state of Wyoming. He has resided continuously in the Cherokee Nation since his return thereto in the year 1888. The minor children for whom application is made herein are the issue of the marriage of Jesse L. Ruddles and Rosanna Rumm, and are identified on the 1896 Census Roll of the Cherokee Nation.


The authority of the Commission herein is defined in Par. 1, Sec. 21, of the act of Congress, June 25, 1898 (30 Stat., 495).

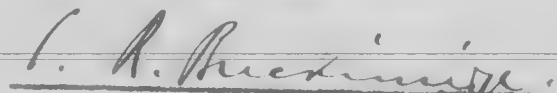
Cherokee-D-678

It is therefore the opinion of this Commission that Jesse L. Ruffles, Jesse P. Ruffles, Clara I. Ruffles and Charley Ruffles are lawfully entitled to be enrolled as members by blood of the Cherokee Tribe of Indians, in Indian Territory, and that the application for their enrollment as such should be granted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

this AUG 19 1902

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEDDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFERS IN REPLY TO THE FOLLOWING

Cherokee D 678.

Muskogee, Indian Territory, August 19, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 19, 1902, granting the application of Jesse L. Ruddles for the enrollment of himself and children, Jesse F., Clara I. and Charley Ruddles, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 7.

IN THE MATTER OF THE APPLICATION OF

Levie L. Ruddle

FOR ENROLLMENT AS

CHEROKEE CITIZEN

✓
N 678

Less: L. Rud. 11/11/11

et al.

1 Original testimony, Oct 2, 3, 1900
Memo of application

2 Certified copy marriage license, affi-
davit for license & certificate of marriage
& Receipt for testimony

Notice of final consideration, 3/7/02
Supplemental testimony and
order closing & disposing of 3/10/02

Cher D 679

Cher D 679

Department of the Interior,
Commission to the Five Civilized Tribes.
Oklahoma, I. T., October 23, 1900.

In the matter of the application of Benjamin O. Grass for the enrollment of himself and children as Cherokee citizens; he being sworn and examined by Commissioner T. E. Needles, testified as follows:

- Q What's your name? A Benjamin O. Grass.
Q How old are you? A 39.
Q What's your postoffice address? A Collinsville, I.T.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Who do you apply for enrollment? A Myself and three children.
Q What's the names of your children? A Vinnie, M.
Q How old is she? A Eleven.
Q What's the name of your next child? A Minnie E.
Q How old is she? A Nine.
Q Name of next child? A Evalina.
Q How old is she? A Two years old.
Q What degree of blood do you claim? A 3/4 I guess.
Q Three-quarters Cherokee? A Yes sir.
Q What's the name of your wife? A Sarah R.; she's a white woman.
Q She living? A No, she's dead.
Q Got any certificate of marriage to her? A No sir.
Q You will have to prove that before you can enroll these children.
When were you married? A In '87.
Q Are you a Cherokee or Delaware? A I am a Cherokee.
Q Who married you? A I forgot his name.
1880 roll: page 282, \$1163, Benjamin Grass, Delaware Dist.
1896 roll: page 187, \$1859, Ben Grass, Cooweescoowee.
1896 roll: page 187, 1860, Vinnie Grass
1900 roll: page 187, \$1881, Minnie A. Grass,
Q Got any proof as to the birth of this younger child? A No.
Q Did Joe Jahay marry you? A His Clerk did.
Q Where is his Clerk? A I don't know.
Q What was your wife's name? A The last one was Liza Brown.
Q Whose the mother of this child, Vinnie? A Sarah Rowark.
Q Who was the mother of Minnie? A She was the mother of Vinnie and Minnie both.
Q Who is the mother of Evalina? A Liza Brown.
Q She a white woman? A Yes sir.
Q Got any certificate of marriage as to her? A No, they said I didn't have to get any.
Q You will have to have a certificate before you can enroll this child.

Commissioner-

The name of Benjamin Grass appears upon the antedated roll of 1880 as well as the Census roll of 1896, and he makes satisfactory proof as to his residence. Being duly identified, he will be listed for enrollment as a Cherokee citizen by blood. He claims he has three children, Vinnie, Minnie ~~and Evalina~~ E. by his first wife, Sarah Rowark, and he has one child, Evalina, by his second wife, Liza Brown, but has no proof of marriage as to either wife. The name of his children, Vinnie and Minnie appear upon the Census roll of 1896, and he makes no proof of birth as to his younger child; consequently, final judgment as to the enrollment of his three children will be suspended, and they will be placed upon a doubtful card, awaiting proof of marriage between applicant and his wives, Sarah Rowark and Liza Brown, and proof of birth as to his younger child.

N.C. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

2-

RECEIVED
DEPARTMENT OF THE INTERIOR
BUREAU OF LANDS
WASHINGTON, D. C.
OCT 24 1900

Subscribed and sworn to before me this 24th day of October, 1900.

Commissioner.

MD Green
Notary Pub

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✓

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT. 24. 1900

[Signature]
ACTING CHIEF

[Handwritten signature]
W. H. H. H.

19679

2-679

Department of the Interior.
Commission to the Five Civilized Tribes.
Claremore, I. T., October 30, 1900.

In the matter of the application of Eliza E. Grass for the enrollment of herself and one child as Cherokee citizens: she being sworn and examined by Commissioner C. R. Brashers, testified as follows:

- Q Give me your full name. A Eliza E. Grass.
Q How old are you? A 32 years old.
Q What is your postoffice? A Owsaw.
Q Do you live in Cooweescoowee district? A Yes sir.
Q Do you apply for enrollment of yourself and family? A Myself and baby.
Q You got a husband? A Yes sir.
Q Do you really for him? A No sir.
Q Just yourself and baby? A Myself and baby.
Q Are you a Cherokee by blood? A Yes sir.
Q How long have you lived in the Cherokee Nation? A 13 years.
Q Give me the name of your father? A Robert Brown.
Q Is he alive? A Yes sir.
Q Give me the name of your mother. A Esther Brown.
Q Is she alive? A Yes sir.
Q When did you marry? A I was married in 1887.
Q Have you a certificate of your marriage? A Yes sir.
Q The applicant presents an official copy of the records of Cooweescoowee district showing that she was married on the 1st of November, 1887 to Ben Grass; he, a citizen of the Cherokee Nation, and she a citizen of the United States. This is filed herewith.
Q This record is wrong is it not: you were a Cherokee are you? A I claim it, a Cherokee.
Q Is he a Cherokee? A Yes sir.
Q Do you live with your husband now? A No sir, I live with my father and mother.
Q And only claim to be a Cherokee by intermarriage don't you? A Yes sir.
Q You don't claim to be a Cherokee by blood? A My father claims as a Cherokee by blood.
Q You claim as a Cherokee by blood and intermarriage? A Yes sir.
Q Your marriage was too late and therefore you present your claim as a Cherokee by blood? A Yes sir.
Q Are you on any of the rolls of the Cherokee Nation? A No sir, I don't guess so.
Q Is your father on any rolls of the Cherokee Nation? A No.
Q As regards your blood, isn't you are not on any roll at all? A No sir.
Q Nor your father? A No sir.
Q Nor your mother? A No sir.
Q Neither you, nor your father, nor your mother have been admitted by any Court or tribunal? A No sir; we have never been admitted.
Q There is no use on earth for your applying as a blood right; I can't even uphold your claim as by blood, but you can apply under your marriage right, and I can at least reject you? Which do you want to apply under, your blood right or your marriage right? A I will apply under the married right.
Q You were married then in 1887 to Ben Grass, were you? A Yes sir.
Q Is he still alive? A Yes sir.
Q He's a Cherokee is he? A Yes sir, by blood.
Q Has he lived in the Cherokee Nation all his life? A Yes sir.
Q How old is he? A I don't exactly know his age.
Q About how old? A I think he's about 40 years old.
Q Was he married except to you? A Yes.
Q He was married before? A Only once before? A Yes sir.
Q Was that wife dead when he married you? A Yes sir.
Q Were you ever married except to him? A No sir, never was.
Q When did you and he separate? A Three years ago in March.
Q You didn't live together more than a year or such a matter?

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BEST AVAILABLE COPY

A: One year and a half.

Q Have you ever had a divorce from him? A No sir.

Q Been no divorce proceedings? A No sir.

Q Did you leave him or did he leave you? A I left him.

Q Why did you leave him? A Mstreatment.

Q Do you think he drove you away? A I couldn't stand his abuse of language; he didn't keep a right kind of a house.

Q He was abusive to you was he? A Yes sir.

Q Did he ever strike you? A Yes, once.

Q He treated you unkindly did he; disrespectfully? A Yes sir.

Q Give me the name of your child. A Emma B. Grass.

Q How old is that child? A Three years old 17th of next February.

Q Have you made out the certificate of this child's birth? A Yes sir.

1880 roll; page 262, #1163, Benjamin Grass, Delaware Dist.

1896 roll; page 167, #1959, Ben Grass, Cooweescoowee.

Q Have you lived now in the Cherokee Nation ever since you married your husband? A Yes sir.

Q You know the name of your husband's first wife? A Sarah Rowark.

Q It seems that your husband was married to an Emma Bluejacket; that was his first wife, and she is now living under the name of Emma Renfrow; do you know her? A No sir.

Q You told me just now that she was dead? A He told me her name was that, but he told me she was dead; that she had been dead ten years.

Q You never knew the contrary? A I never saw her.

Q Did you ever hear of her? A My brother saw her before she died.

Q But she's not dead yet? A He told me she was dead.

Q What's the "E" in this child's name; for Eveline? A Yes sir. Her name is Emma Eveline.

Q You don't know whether your husband ever got a divorce or not from his first wife? A No sir.

Q He just told you she was dead? A Yes sir; he just told me she was dead.

Commissioner Breckinridge:

The applicant applies for the enrollment of herself and child. She applies for herself as a Cherokee by intermarriage. The official copy of the records of Cooweescoowee district filed herewith show that she was married to her husband in November, 1896, and he is identified on the rolls of 1880 and 1896 as a native Cherokee. Her marriage to him is too late for her to be entitled to enrollment at this time. It further appears that he was previously married and there is no evidence that he ever secured a divorce from his former wife, but the testimony indicates that he misrepresented her as dead, when Commission No. 3383 shows that she is alive and has applied for enrollment under the name of Emma Renfrow. The application for the enrollment of the applicant Eliza E. Grass is rejected. But to perfect a record in her case, she is desired to supply the Commission with official evidence of the divorce of her husband from his former wife. It should also be noted that the applicant is not living with her husband. They lived together for 1 1/2 years after their marriage, and have not lived together since. As regards the application for the enrollment of the child, Emma Eveline, this child is shown to have been listed for enrollment under the application of its father on card D- 679. A copy of this testimony will be filed with that case, and it is necessary for the father to prove his divorce from his first wife before this child by his second wife can be entitled to enrollment, and a note will be made upon the card that proof of divorce from first wife required.

8- H.E.G.

E.G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

E. G. Rothenberger

Subscribed and sworn to before me this 30th day of October, 1900.

Wm. J. [Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TANJAWAH, I.T., DECEMBER 14th, 1900.

ON THE MATTER OF THE APPLICATION for the enrollment of Vinnie M. Grass et al, Case "D", #679 - This to go with Small White Card, 4826.

Preston Barnes, being sworn and examined by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A Preston Barnes.
Q How old are you? A Fifty four.
Q What is your Postoffice address? A Coowasee.
Q Do you know Benjamin G. Grass? A Yes sir.
Q Do you know his wife, Sarah Grass? A Yes sir.
Q Do you know whether they were married or not? A I saw them married; I was present.
Q Was Benjamin G. Grass a citizen by blood? A Claims that he is.
Q What is his wife? A She is a white woman.
Q Is she living? A No sir, she is dead.
Q Did they live together continuously until she died? A Yes sir.
Q Do you know how many children she had by him? A She has two.
Q What two are living? A Minnie and Vinnie.
Q You were present at their marriage? A Yes sir.

Weep Barnes, being sworn and examined by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A Weep Barnes.
Q What is your Postoffice? A Oolagah.
Q Are you a Cherokee by blood? A No sir.
Q Do you know Johnson M. Grass? A Yes sir.
Q Do you know Benjamin Grass? A Yes sir.
Q Did you know his wife, Sarah? A Yes sir.
Q Do you know whether they were married or not?
A Yes sir; I saw them married.

Benjamin G. Grass being sworn and examined by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A Benjamin G. Grass.
Q You are the father of Vinnie M. and Minnie Grass? A Yes sir.
Q You are the husband of Sarah Grass? A Yes sir.
Q Was she your first wife? A Yes sir.
Q Are you her first husband? A No sir.
Q She had been married before? A Yes sir.
Q Was her first husband dead when you married her? A I do not know; They had been parted a good long time.
Q Do you know whether she ever got a divorce from him, her first husband? A No sir, I do not.
Q Was he living when you married her? A I do not know.
Q Your wife's first husband is living, is he? A I do not know.
Q Did you ever see him? A No sir.

By Mr. W. W. Hastings, Cherokee Representative:

- Q Did you ever hear of him? A Only what she told me herself; that she had been married and that he had left her.

By Commission: Q Was he a white man? A Yes sir.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me
this 14th day of December, 1900.

R. A. [Signature]
[Signature] COMMISSIONER.

R

C. D-679

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 7, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Vinnie M. Grass for the enrollment of herself and sisters for
enrollment as Cherokee citizens.

Appearances:

W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant's father, Benjamin C. Grass, was notified by registered letter February 17, 1902, that his application for the enrollment of his children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 7th day of March, 1902. He was further notified that on said date he might appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any additional testimony affecting his application. He was especially notified to supply the Commission with a certificate of his marriage to his wife Sarah and also a certificate of marriage to his present wife. Receipt has been acknowledged of the Commission's letter. The applicant having this day, to-wit: the 7th day of March, 1902, been called and failing to respond either in person or by attorney, the case is considered completed, and it is ordered reported to the Commission for final decision based upon the evidence now of record.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D. Green

2679

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 20 1902

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Vinnie M., Minnie E., and Eveline Grass as citizens by blood of the Cherokee Nation.

DECISION.

--000--

The record in this case shows that on October 23, 1900, Benjamin C. Grass appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment, among others, of his three minor children, Vinnie M., Minnie E., and Eveline Grass as citizens by blood of the Cherokee Nation. The other party to the application is differently classified and is not embraced in this decision. On October 30, 1900, the testimony of Eliza E. Grass, taken on that day at Claremore, Indian Territory, was made a part of the record in this case. Further proceedings in the matter of said application were had at Claremore, Indian Territory on December 12, 1900. The testimony of Emma Renfrow, taken on September 24, 1900, has been made part of the record in this case.

The evidence shows that Benjamin C. Grass, the father of the minor children herein applied for, is a Cherokee citizen by blood. The said Benjamin C. Grass appears to have been married three times. He was first married to Emma Bluejacket, who appears to have been living at the date of the application herein, and from whom it does not appear that he had been divorced. His second wife was Sarah Rowark, a white woman, to whom he was married in 1867. No certificate of this marriage is filed, but the same is clearly shown by personal testimony. The evidence shows that the two minor children, Vinnie M., and Minnie E. Grass, are the issue of the second marriage. The said Vinnie M., and Minnie E. Grass are identified on the 1896 Census roll of the Cherokee Nation. It further appears that after the death of his wife Sarah, and on November 18, 1896, the said Benjamin C. Grass was married to Eliza E. Brown, a white woman, and that the minor child, Eveline Grass, is the issue of that marriage. The said minor child, Eveline Grass, is identified by a birth affidavit on file with this Commission.

Section 692 of the Compiled Laws of the Cherokee Nation, (1892) is as follows:

"All marriages which are herein prohibited on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall be absolutely void in this Nation, without any judgment of divorce or other legal proceedings provided, that the issue from such unlawful marriage shall nevertheless be legitimate; provided, also, that when a man, having by a woman one or more children, shall afterwards intermarry with such woman, such child or children, if recognized by him, or proven to be his, shall thereby be legitimate."

The evidence further shows that the said Benjamin C. Grass,

The father of the applicants, has been a resident of the Cherokee Nation all of his life, and it is considered that the residence of the applicants since their birth has been that of their father.

It is, therefore, the opinion of this Commission that Winnie M. Grant, Mamie E. Grant, and Neoline Grant should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section twenty-two of the Act of Congress approved June 20, 1906 (34 Stat., 496), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). James Bixby.
Acting Chairman.

(SIGNED). T. B. Needles.
Commissioner.

(SIGNED). C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 10 1902

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-679.

Muskogee, Indian Territory, December 15, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Benjamin C. Grass for the enrollment of his three minor children, Vinnie M., Minnie E. and Eveline Grass, as citizens by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. H-220.

✓ ~~Exhibit A~~
~~Hattie M. Green et al~~

~~A Original Testimony, Oct 23, 1900.~~

~~B Memo. of application.~~

~~C Supplemental Testimony, Oct 30, 1900.~~

~~D Supplemental Testimony, Dec. 12, 1900.~~

~~E Affidants of birth. - Enoch, Grass.~~

~~F Letter, relative to enrollment.~~

~~G Notice of final Consideration 3/7/02~~

~~C~~

~~Order closing testimony 3/7/02~~

~~See Packet 4826
R. 35~~

Cher D 680

Cher D 680

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I.T., October 24, 1900.

In the matter of the application of Henry B. Smith for the enrollment of himself, wife and 2 children as Cherokee citizens; being sworn and examined by Commissioner Brockbridge he testified as follows:

- Q What is your name? A Henry B. Smith.
Q What is your age? A 39.
Q What is your post-office? A Ardmore.
Q In what district do you live? A That's in the Chickasaw Nation.
Q You claim your home in the Cherokee Nation? A Yes sir, my home is at Tahlequah, that's really my home.
Q And your district is Tahlequah? A Yes sir.
Q For whom do you want to apply for enrollment? A Myself.
Q Have you a wife? A My wife is a non-citizen.
Q How many children? A I have 2.
Q You want to apply then for yourself and your two children?
A Yes sir.
Q Are you a Cherokee by blood? A Yes sir.
Q How long have you lived in the Cherokee Nation? A 20 years.
Q Are you on the roll of 1880? A I don't think I am.
Q Were you admitted to citizenship by the Cherokee Commissioner Council? A Yes sir, my mother moved to the Nation in '39 when the Indians removed, and she went back to Alabama and came back in 1881, in the spring of 1881.
Q Was she admitted by the Cherokee Councilor Commission upon her return? A I don't know.
Q Give me the name of your father, please? A J.L. Smith.
Q Was he a white man? Or an Indian? A White man.
Q Give me the name of your mother? A Mary C. Smith.
Q Is your father dead? A Living.
Q Is your mother dead? A Living.
Q She is a Cherokee is she? A Yes sir.
Q She came from Alabama in 1839 and then went back to Alabama?
A Yes sir.
Q And then came back again in 1881? A In 1881.
Q Give me the name of your wife? A Florence C.
Q How old is she? A 30.
Q When were you married to her? A December 12th 1894.
Q Have you a certificate of your marriage? A Not with me.
Q Has she lived with you ever since your marriage to her?
A Only when I was in the university.
Q No interruption of the married relations? A No sir.
Q Was she ever married before? A No sir.
Q Were you ever married before? A No sir.
Q Give me the names of your children? A Lelia C.
Q How old is she? A 5.
Q Next child? A Mary A. D.
Q How old is she? A 16 months old.
Q They are both living now are they? A Yes sir.
Q You married in 1894, why don't you apply for your wife?
A Well, I didn't know I could.
I am pretty sure I am not on the roll of 1880; the first money I drew was in 1893.
Q Your father and mother came together in 1893? A No sir, she wasn't married at that time.
Q Was she married after she went to Alabama? A She married my father after the Civil War.
Q She was married when she came back here in 1881? A Yes sir.
Q How old is your mother? A 73.
Q So that when she came here in 1881 she was 54 years old?
A Yes sir.

Henry B. Smith et al 8

Q Have you made your home in the Cherokee Nation ever since you came in 1881, excepting when absent upon your theological duties?
A Yes sir, when I finished my course I was sent to Ardmore in the Chickasaw Nation.

Q You don't exercise the rights of citizenship outside of the Cherokee Nation? A No sir.

Q You haven't done so have you? A No sir.

1896 roll page 1242 43024 Henry Smith Tahlequah Dist, native Cher;
1898 roll page 1268 4339 Florence G. Smith Tahlequah Dist;
1898 roll page 1242 43025 Lelia G. Smith

Com'r Brockbridge: The applicant applies for the enrollment of himself, his wife and two children; he states that he was admitted to citizenship in the Cherokee Nation by the Cherokee Commission or Council in 1882, but he is unable to present official evidence of that admission at this time; he has lived in the Cherokee Nation since 1881 except when absent in connection with his duties, or under assignment of duty as clergyman; he is identified on the roll of 1896 as a native Cherokee, and he will be listed now for enrollment as a Cherokee by blood, upon a white card, to await the official evidence of his admission in 1882.

He states that he married his wife in 1894, that neither were ever previously married, and that they have lived together ever since their marriage; she is identified with her husband and older child on the roll of 1896; and she will now be listed for enrollment with her husband as a Cherokee by adoption.

The child, Lelia G. is identified on the roll of 1896, and she will be listed with her father and mother as a Cherokee by blood; she is living at this time; and when the certificate of birth of the younger child, Mary A. D. Smith is supplied to the Commission this child also will be listed with her parents as a Cherokee by blood.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green
Subscribed and sworn to before me this 24th day of October 1900.

[Signature]

Commissioner.

RECEIVED BY THE
U.S. DEPT. OF THE INTERIOR
OCT 24 1900
BUREAU OF LANDS
WASHINGTON, D.C.

28680

TO THE SECRETARY OF THE INTERIOR
WASHINGTON, D.C.

SIR:

I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the above and to inform you that the same has been forwarded to the proper authorities for their consideration.

Very respectfully,
J. L. ...

Very respectfully,
J. L. ...

Very respectfully,
J. L. ...

Very respectfully,
J. L. ...

R

C. D-688

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 7, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of William S. Miles for the enrollment of himself, wife and child as Cherokee citizens.

Appearances:

Joshua Ross, for the applicant;
W.V. Hastings, attorney for the Cherokee Nation.

BY COMMISSIONER: The applicant was notified by registered letter February 27, 1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up by the Commission for final consideration at its offices at Muskogee, Indian Territory, on the 7th day of March, 1902, and that on said date he might appear before the Commission in person or by attorney when an opportunity would be given him to introduce any additional testimony in affecting his application. The applicant this day, to-wit: the 7th day of March, 1902, appears by his agent, Joshua Ross, of Muskogee, I. T.

JOSHUA ROSS, being first duly sworn and being examined testified as follows:

BY COMMISSIONER:

Q What is your name? A Joshua Ross.
Q How old are you? A 69.
Q What is your post-office address? A Muskogee.
Q You are representing William S. Miles before the Commission? A Yes sir.
Q William Miles is an applicant for enrollment as a Cherokee citizen? A Yes sir.
Q You desire to make a statement relative to his application for enrollment? A Yes sir.
Q Proceed. A Well in the first place he married my daughter, and here is the certificate of marriage; maybe you have that.

BY COMMISSIONER: Yes, that has been filed.
A Well then here is another paper that contains the 1896 census Coowascoowee District, and he was put down on there as a white citizen, adopted roll.

BY COMMISSIONER: The fact that he was enrolled in 1896 is contained- shown by the original record.
A I just wanted to say my daughter is part Creek and part Cherokee and got recognized by the Dawes Commission, but took her allotment and the child's here in the Creek Nation by election to be enrolled as a citizen of the ~~Cherokee~~ Creek Nation.
Q Do you in behalf of this applicant submit the case to the Commission for final consideration? A Yes sir.

BY MR. HASTINGS: The Cherokee Nation desires to call attention to the ruling of the United States Court, Northern District, Indian Territory, Court No. 253, being the case of Will E. Linton, et al, vs. Cherokee Nation, who were applicants for citizenship in the Cherokee Nation in 1896, and which case was appealed to the United States District court. The wife of Will E. Linton was admitted to be part Creek and part Cherokee; she elected to take her allotment in the Creek nation, and with reference to her husband's citizenship the court said: "If she (his wife) elects to be enrolled as a citizen of the Creek Nation, she and her children will be enrolled as citizens of the Creek Nation and her husband will not be enrolled as a citizen of either the Creek or Cherokee Nation."

BY COMMISSION: The agent for the applicant and the representative of the Cherokee Nation present submit the case and same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D. Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Henry B. Smith for the enrollment of himself and his three minor children, Lelia C., Mary A. B. and Francis B. Smith, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Florence C. Smith, as a member by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on October 24, 1900, the applicant, Henry B. Smith, appeared before the Commission at Claremore, Indian Territory, and then and there made personal application for the enrollment of himself and his two minor children, Lelia C. and Mary A. B. Smith, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Florence C. Smith, as a member by intermarriage of the Cherokee Nation. At the conclusion of the evidence submitted at that time the names of all the applicants were placed upon a doubtful card awaiting further evidence of the admission of Henry B. Smith to Cherokee Citizenship.

It appears from the evidence in support of this application that Henry B. Smith was admitted to citizenship in the Cherokee Nation on September 6, 1882; that his home has been in the Cherokee Nation since his admission to citizenship therein, and that he is identified on the 1896 Census Roll of the Cherokee Nation. It further appears that he was lawfully married to his wife, Florence C. Smith, on December 12, 1894 and that she is identified on the 1896 Census Roll of the Cherokee Nation. It further appears that the minor child Lelia C., is identified on the 1896 Census Roll of the Cherokee Nation. The minor child, Mary A. B. Smith is too young to be upon any tribal roll of the Cherokee Nation, but she is identified by a birth affidavit filed with the Commission.

On January 11, 1902 there was filed with the Commission an

affidavit duly executed on January 7, 1902, from which it appears that Francis B. Smith was born on November 6, 1901, that he is the child of Henry B. and Florence C. Smith, and that he was living at the date of the execution of the affidavit.

The authority of the Commission herein is defined in Par. 1, Sec. 21, of the act of Congress, June 26, 1898 (30 Stats., 498).

It is therefore the opinion of this Commission that Henry B. Smith, Lelia C. Smith, Mary A. B. Smith and Francis B. Smith are lawfully entitled to be enrolled as members by blood of the Cherokee Tribe of Indians in Indian Territory, and that Florence C. Smith is lawfully entitled to be enrolled as a member by intermarriage of the Cherokee Tribe of Indians in Indian Territory, and that the application for their enrollment as such should be granted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

this 20th day of June, 1902.

COMMISSIONERS
HENRY L. DAWES
JAMES H. BIRNEY
THOMAS H. NEEDLES
C. W. BARKER

ALFRED H. AUSTIN
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-680

Muskogee, Indian Territory, July 29, 1902.

Mr. W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

Enclosed herewith please find copy of a decision of the Commission to the Five Civilized Tribes, rendered the 25th day of July, 1902, granting the application of Henry B. Smith for the enrollment of himself and his three minor children, Lelia C., Mary A.B. and Francis B. Smith, as citizens by blood, and for the enrollment of his wife, Florence C. Smith, as a citizen by intermarriage, of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Commissioner in Charge.

Enc. D-680.

✓ 540 680

James B. Smith

- A = Original Petition, Oct 20 1900
- B = Memo of application
- C = Certificate of admission
- D = Transcript Certificate of death
- E = Certified copy marriage license & certificate
- F = Certificate of Birth - Mary A. Belmont
- G = Birth of infant James B. Smith

Notice of final consideration, 3/7/02
Order closing testimony, 3/7/02

Def
f

Admin Ea

Cher D 681

Cher D 681

Rejected, as to wife, Mary L.

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I.T., October 24, 1900.

In the attor of the application of Thomas Jefferson Carter for the enrollment of himself and wife as Cherokee citizens; he is sworn and examined by Commissioner Brookbridge he testified as follows:

- Q What is your name? A Thomas Jefferson Carter.
Q How old are you? A 35 years old last January.
Q What is your post-office? A Ardmore.
Q In what district do you live, Chickasaw or? A No sir, I live in the Chickasaw country, at Ardmore.
Q Ardmore, Indian Territory? A Yes sir.
Q For whom is it you apply for enrollment yourself as? A Childly.
A Yes sir.
Q Have you a wife? A Yes sir.
Q How many children? A Mary one.
Q Just yourself and your wife? A Yes sir.
Q Are you a Cherokee by blood? A Yes sir.
Q Is your wife a Cherokee by blood? A No sir.
Q She is a white woman is she? A Yes sir.
Q How long have you lived in the Cherokee Nation? A I lived in the Cherokee Nation from the time I was born until about 1863.
Q Then where did you live? A I went south and I have lived south and west a big part of the time, in the Chickasaw nation and Choctaw Nation.
Q Have you lived in the Cherokee Nation at all since 1863?
A I lived there five years ago.
Q How long did you live here at that time? A I lived here one year, I married here, in 1864.
Q You returned some five years ago and staid one year? A Yes at returned here, - it has been six years I guess.
Q And staid one year? A Yes sir my wife died here.
Q And you haven't lived here since that time? A No sir.
Q And you did not live here previous to that time as far back as 1863? A No sir, I never lived here continuously; I was back and forth.
Q Where was you living most of the time between 1863 and some five or six years ago? A I lived at Boggy Depot in the Choctaw Nation.
Q Was that your home from 1863 up until five or six years ago?
A No sir.
Q Tell me, please, where your home has been? A Then I moved to Will Creek, in the Chickasaw Nation, about 30 miles north-east of Ardmore, - I ranched there for about 15 years and then I moved back to this country.
Q You left here in 1863, - where did you go there? A I went to the Choctaw Nation, Boggy Depot.
Q And you lived there from 1863 until how long? A I lived there about - until 1876.
Q Then where did you live? A I moved to Will Creek.
Q Both of these places are in what Nation? A One is in the Choctaw and the other in the Chickasaw.
Q How long did you live at Will Creek? A About 20 years I guess.
Q That brought you down to the time you came back here? A Yes sir.
Q And then you staid here a year? A Yes sir.
Q Then where did you go? A I went back to Ardmore.
Q And have been there ever since? A Yes sir.
Q Are you on any of the rolls of the Cherokee Nation? A I ought to be on the pay roll of 1864.
Q You are not on the roll of 1900? A No sir.

Q Are you on the census roll of 1896? A Not that I know of.
 Q Have you ever applied to the Cherokee Commission or Council for re-admission to citizenship? A They said it wasn't necessary, I was going to; they paid me my strip money.
 Q Have you exercised the rights of citizenship in where you live?
 A No sir.
 Q Never voted? A No sir, I voted twice in my life and that was here in Tahlequah.
 Q Only twice in your life? A Yes sir.
 Q Why didn't you vote during all these years where you were living? A I wasn't a legal voter.
 Q You didn't consider yourself a citizen of the community in which you lived at the time? A No sir.
 Q That is? A Yes sir.
 When do you expect to come back and actually reside in the Cherokee Nation? A Oh, I will come in the course of three or four months by spring.
 Q Give me the name of your wife? A Mary L.
 Q How old is she? A 39.
 Q When did you marry her? A I married her in January 1897.
 Q Were you ever married to any other woman? A Yes sir.
 Q How many times were you married prior to this marriage?
 Once.
 Q Was that wife dead? A Yes sir.
 Q She was dead when you married this woman? A Yes sir.
 Q Was your present wife ever married before? A Yes sir.
 Q How many times was she married before she married you? A She was married twice.
 Q Were both of her former husbands dead? A One was dead and the other one was divorced.
 Q Have you a copy of the degree of divorce? A No sir.
 Q One of her former husbands was dead when she married you and she had a divorce from the other one? A Yes sir.
 Q What was the name of the husband from whom she was divorced?
 A Webb, I don't know his given name.
 Q When was she divorced from him? A Must have been in 1896 I guess.
 Q You were married to her in 1897? A 1897, yes sir.
 1896 roll examined for applicant and name not found;
 1894 roll examined for applicant and name not found.

Com'r Brackinridge: The applicant applies for the enrollment of himself and his wife; he states that he was born in the Cherokee Nation and lived here until 1863, and then he moved out of the Cherokee Nation, but still lived in the Indian Territory; and that he has lived within the limits of the Cherokee Nation except about one year and 5 or 6 years ago, when he left the Nation in 1863; he is not identified on any of the rolls accessible at this time, to the Commission; he stated that he drew Cherokee Strip money after the regular roll of 1894 was made; the list of names paid in that year by the Cherokee authorities is not now at the command of the Commission; he states that he has never exercised the right of suffrage outside of the Cherokee Nation, would ring himself always as a Cherokee; for the further consultation of the record of this man who received the payment in 1894, and of the facts in his case, the applicant's application for enrollment will be placed upon a doubtful card; he will be listed as a Cherokee by blood, and the final decision of the Commission will be made known to him at his post-office address.

He states that his wife is a white woman and that she married him in 1897, and he has no copy of the degree of divorce which he states she obtained from a former husband in 1896, but in any event her marriage to him was too late under the Cherokee law of 1895 to entitle her to enrollment at this time; therefore the application for the enrollment of his wife is rejected.

Thomas J. Carter et al 3

H. B. Green being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly received the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

H. B. Green

Subscribed and sworn to before me this 24 day of Oct 1900.

W. M. ...

Commissioner.

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9.8m.

Cherokee D-681.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Thomas J. Carter
for enrollment as a citizen by blood of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on October 24, 1900, Thomas J. Carter appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment of himself, among others, as a citizen by blood, of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 7, 1901. The other party to this application is differently classified, and is not embraced in this decision.

It further appears that Thomas J. Carter died on the 28th day of March, 1902; an affidavit to that effect is made a part of the record herein.

Section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716,) provides that ;

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date, shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, ordered by this Commission that the application for the enrollment of Thomas J. Carter as a Cherokee citizen by blood, be, and the same is, hereby dismissed, under the provisions of the law above quoted.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) James Bixby. Chairman.

(SIGNED) T. B. Needles. Commissioner.

Muskogee, Indian Territory, (SIGNED) C. R. Breckinridge. Commissioner.

this NOV 5 1904

COMMISSIONERS:

TAMM BIXBY,
THOMAS B. NEEDLES,
C. E. BRIDGEMAN

WM. O. BRALL,
Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

Cherokee D-681.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 5, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 5, 1904, dismissing the application for the enrollment of Thomas J. Carter as a citizen by blood of the Cherokee Nation, he having died on March 25, 1902.

Respectfully,

Encl. 8-11.

Chairman.

Decision

W 681

Thomas J. Carter

DISMISSED

NOV 5 1904

A. Original testimony Oct. 24, 1902

B. Memo of application

C. Notice of final consideration, 3/7/02

D. Certified copy of act. to entitle certain
persons to draw ship money.

E. Supplemental testimony and
order closing testimony. 8/7/02

Case closed and
no further action

See Cherokee Jacket R. 320


Cher D 682

Cher D 682

A 68

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 24 1900



ACTING CHAIRMAN

D. A. B. Ap.

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I. T. October, 24th 1900.

In the matter of the application of Nathan J. Brink for the enrollment of himself, wife and children as Cherokee Citizens. He being sworn testified as follows:-

Q What is your name? A. Nathan J. Brink.

Q What is your age? A. 38

Q What is your post office address? A. Collinsville.

Q What district do you live in? A. Coconawawee.

Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir, by adoption.

Q Who do you want to have enrolled? A. Myself, wife and children.

Q What is the name of your wife? A. Liddie.

Q Have you any certificate of marriage? A. Yes sir.

Applicant presents duly authenticated marriage license and certificate certifying that he was married to Mrs. Liddie Brink nee Hall, on the 18th of April 1881.

Q What was the name of your wife's father? A. Wm. Hall.

Q Is she alive? A. Yes sir.

Q What is her mother's name? A. Martha.

Q Is she alive? A. Yes sir.

Q Give me the names of your children? A. George F. Age 15. Chas. N. 12 Mary A. age 13; Albert D. age 11; William L. age 6; Hoodley five months.

Applicant presents certificate of admission to Cherokee citizenship issued from the office of the Commission on Citizenship Sept 28, 1887, signed by J. T. Adair, Chairman of the Commission and by Henry Riffart, Clerk Approved by D. W. Bushyhead, Principal Chief of the Cherokee Nation. Attested by the Assistant Executive Secretary of the Cherokee Nation under the Great Seal of the Cherokee Nation, certifying that among others one Liddie Brink was admitted to citizenship on the 28th of September, 1887.

Q Is the Liddie Brink named in this certificate the identical Liddie Brink for whom you now apply as your wife? A. Yes sir.

Said certificate also provides for the admission of F. O. Brink and Mary Brink, children of the said Liddie Brink.

1896 roll, page 285, No 105, Nathan J. Brink, Coconawawee.

1896 132 001 Lydia Brink "

1896 122 002 George F. Brink. "

1896 122 003 Mary A. Brink "

1896 122 004 Charles W. Brink "

1896 122 005 Albert Lee Brink "

1896 122 006 Wm. F. Brink "

Q Are these children all alive and living with you at this time? A. Yes sir.

Q How long has Liddie Brink lived in the Cherokee Nation? A. Ever since her admission and for some time before.

Q Are you her first husband? A. Yes sir.

Q Is she your first wife? A. No sir.

Q Was your first wife living when you married her? A. Yes sir.

Q Have you a divorce? A. Yes sir we were divorced by the church

Q What is the name of your first wife? A. Bettie Hensley.

Q Was she a Cherokee by blood? A. No sir.

Q When did you marry her? A. 1881

Q Is she living now? A. I don't know.

Q Where did you marry her? A. On Cow skin Patch.

Q You say that you got a divorce from her? A. Not from the church we was married in the church and got a divorce from the church, there was no other way to get a divorce then.

Q Under what law were you married? A. In the church by preacher Hubbard.

Q Is he living? A. Yes sir.

Nathan J. Brink

Q Then he divorced you A. Yes sir, we had a church trial, and were both there and he divorced me.

The name of Nathan J. Brink appears on the census roll of 1890. He produces satisfactory proof of marriage to one Liddie Brink in 1891. He also produces a certificate of her admission to citizenship together with her two of her children, F. G. Brink and Mary A. Brink said certificate being more particularly described in the testimony. He avers that in addition to said children he had two others named Albert D. and William L. and Emma Charles M. Brink whose names appear on the census roll of 1890 and one Hecley Brink for whom he produces satisfactory proof of birth, said child being too young to be on the roll of 1890. Having made satisfactory proof as to residence as to himself, wife and children. His wife's name appears also on the census roll of 1890. He avers that he was married previous to his present marriage to Bettie Hameley a white person, but makes no satisfactory proof of there having been divorce. As to full particulars as to divorce see testimony. Consequently the final judgment as to the enrollment of Nathan J. Brink as a Cherokee by intermarriage will be suspended and he will be placed on a doubtful card awaiting satisfactory proof of his divorce from his first wife Bettie before his marriage to his present wife Liddie. His wife Liddie Brink and his children as above named all being duly identified according to the page and number of the roll and having made satisfactory proof as to residence will be duly listed for enrollment as Cherokee by blood.

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause and that the foregoing is a full, true and correct transcript of his stenographic notes in a said proceedings.

Chas. von Weise

Subscribed and sworn to before me this the 24th of October, 1900

M. J. Green
Commissioner
W. H. R. R. R.

STAFF COMMISSIONER OF THE
OFFICE OF THE COMMISSIONER OF THE
GENERAL LAND OFFICE
WASHINGTON, D. C.
MARCH 12, 1902

TO THE COMMISSIONER OF THE
GENERAL LAND OFFICE
WASHINGTON, D. C.

FROM THE COMMISSIONER OF THE
GENERAL LAND OFFICE
WASHINGTON, D. C.

SUBJECT: [Illegible]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE
FILED
MAR 12 1902

ACTING CHIEF

R

D 682 Cherokee

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 7, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Nathan J. Brink for enrollment as a Cherokee citizen.

Appearances:

I. P. Bledsoe, Choteau, I. T., agent for the applicant;
W. W. Hastings, attorney for the Cherokee Nation;

BY COMMISSION: The applicant was notified by registered letter
February 29, 1902, that his application for the enrollment of
himself as a citizen of the Cherokee Nation would be taken
up by the Commission for final consideration at its offices
in Muskogee, Indian Territory, on the 7th day of March, 1902;
receipt has been acknowledged of the Commission's letter and
the applicant this day, to-wit: the 7th day of March, 1902,
appears in person by his agent, I. P. Bledsoe, Choteau, I. T.

BY MR. BLEDSOE: I simply want ten days in which to file copy
of divorce from his former wife.

BY COMMISSION: The agent for the applicant and the repre-
sentative of the Cherokee Nation present submit the case and
same is ordered closed and reported to the Commission for
final consideration and decision based upon the evidence
now of record. The agent for the applicant also requests
and will be granted ten days in which to furnish the Commission
with a copy of the decrees of divorce between the applicant
and his former wife.

I, M. D. Green, do hereby certify that as stenographer to the Commission
to the Five Civilized Tribes I correctly recorded the testimony and
proceedings in this case and that the foregoing is a true and com-
plete transcript of my stenographic notes thereof.

M. D. Green

THE UNIVERSITY OF CHICAGO
LIBRARY

4. TINA CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 31, 1902.

In the matter of the application of NATHAN J. BRINK, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

NATHAN J. BRINK, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A Nathan J. Brink.
Q How old are you Mr. Brink ? A I was born in 1862, I am forty years old.
Q What is your post office address ? A Why its Nowata now.
Q Are you an applicant for enrollment as an intermarried citizen of the Cherokee Nation ? A Yes sir.
Q What is the name of your wife ? A Lydia.
Q Is she living ? A Yes sir.
Q Is she a Cherokee by blood ? A Yes sir.
Q Recognized as such ? A Yes sir.
Q When were you married to your wife Lydia ?
A I was first married in 1884, I believe.
Q Where were you married the first time ? A On Cow Skin prairie.
Q Were you married the first time under a Cherokee, license ?
A No sir.
Q Were you afterwards married to the same woman ? A Yes sir.
Q Where ? A At Vinita.
Q Were you married to her under a Cherokee marriage license this last time ? A Yes sir.
Q Now have you filed your license with the Commission when you made your original application ? A Yes sir.
Q Had you ever been married prior to your marriage to your wife Lydia ? A Yes sir.
Q How many times ? A Once.
Q What was your first wife's name ? A Bettie Hammersley.
Q Was she a white woman or a Cherokee ? A A white woman.
Q Where ? A On Cow Skin prairie.
Q In the Cherokee Nation ? A No sir in the Seneca Nation right across the line. I lived in the Cherokee Nation but I married in the Seneca Nation.
Q Was your first wife living when you married Lydia ?
A I can't tell you.
Q You and she had separated ? A Yes sir.
Q Had you been divorced ? A Had a Church divorce.
Q What church ? A The Quaker church.
Q Under what law did they propose to give you a divorce ?
A I don't know, that's what they claimed, that I could get one.
Q Where was it ? A Split Log, Seneca Nation.
Q Have they any law up in the Seneca Nation authorising any church to give a divorce ? A I don't know about that.
Q Was that the only kind of divorce you ever had from your first wife ? A That's the only kind I could get at that time.
Q You never did get a divorce from your first wife other than what the church gave you ? A No sir.
Q You never went into any court anywhere ?
A No sir, there wasn't no court here.
Q Then after you were divorced, as you say by the church, you married this last woman ? A Yes sir. About two years afterwards, I suppose.
Q And you base your right to enrollment as an intermarried citizen upon your marriage to this last wife, Lydia, don't you ?
A Yes sir.
Q Now then have you and your wife Lydia lived together from the time of your marriage up to the present time ? A Yes sir.

Q Never separated ? A No sir.
Q You were living together as husband and wife on the first day of September, 1902 ? A Yes sir.
Q Have you lived in the Cherokee Nation ever since your marriage to your wife Lydia up to now ? A Yes sir.

Examined by W. W. Hastings, Esq:

Q When did this church divorce take place ? A After we separated, some time after we separated.
Q When did you separate ? A Sometime, I think, in 1882.
Q You married in about two years after that ?
A Yes sir, I don't remember dates.
Q She didn't continue to live in your neighborhood ?
A No sir, she has never been heard of.
Q Where did she go ? A I don't know.
Q She never died ? A I don't know.
Q You never heard of her dying ? A No sir.
Q You married within two years afterwards ?
A Yes sir, somewhere near that .

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this December 11, 1902.

E. C. Bagwell
Notary Public.

Decision

10 68

Nathan S. H.

A Original testimony, Oct 21, 1900

B Memo of application

C Marriage License & Certificate

D Notice of final Consideration, 3/7/02

E Receipt for testimony

F Order closing testimony 3/7/02

OCT 26 1907

See Cherokee Jacket 4838

Chen D 683

Chen D 683

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Margaret J. Emerson for enrollment as a citizen by intermarriage of the Cherokee Nation.

DECISION

THE RECORDS OF THIS OFFICE SHOW: That at Claremore, Indian Territory, October 24, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Margaret J. Emerson as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Claremore, Indian Territory, October 31, 1900 and Muskogee, Indian Territory, March 7, 1902.

THE RECORDS OF THIS OFFICE FURTHER SHOW: That on March 23, 1905, the Commission to the Five Civilized Tribes denied the application for the enrollment of G. W. Emerson, husband of this applicant, as a citizen by blood of the Cherokee Nation, for the reason that said applicant had removed from the Cherokee Nation to the State of California, where he continued to reside, up to and including September 1, 1902. Said action of March 23, 1905 was duly approved by the Department on August 10, 1905 (I.T.D. 3568, 8844-1905); that on February 26, 1906, the Commissioner to the Five Civilized Tribes denied the application for the enrollment of Sarah E. Reel, formerly Emerson, and Georgia Emerson, as citizens by blood of the Cherokee Nation, for the same reason as the said G. W. Emerson was denied, which action was duly approved by the Department, January 17, 1907 (I.T.D. 618- 1907).

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Margaret J. Emerson, is a white woman and claims her right to enrollment as a citizen by intermarriage of the Cherokee Nation by reason of her marriage to the above named G.W. Emerson; that in 1895 the said Margaret J. Emerson, G. W. Emerson and their two children, the said Sarah E. Emerson, now Reel, and Georgia Emerson, removed to the State of California where they have since continuously resided and have not returned to and settled in good faith in the Cherokee Nation or Indian Territory.

A portion of section 2, of Article 1 of the Constitution of the Cherokee Nation, provides as follows:

"... that, whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease; "

Paragraph 9 of Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), in part, provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship... ."

IT IS THEREFORE ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Margaret J. Emerson, is not entitled under the provisions of section 21 of the Act of Congress approved June 28, 1898 (30 Stats. 495) to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly denied.

Tamc Dixby.
Commissioner

Dated at Muskogee, Indian Territory

this FEB 19 1907

D.

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190...

Given under my hand this
day of A. D. 190...

.....
Marshal for the Cherokee Nation.

.....
I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

..... day of, 190...

.....
Attorney for applicant.

.....
UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

.....
on the day of A. D. 190...

.....
Subscribed and sworn to before me
this

.....
Notary Public.
.....

Case No. D GRK

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on March 7th, 1902 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 17th day of April, 1906.

W. W. Harrison
Attorneys for the Cherokee Nation

COMMISSIONERS.
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AVIESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-683.

ADDRESS ONLY TO
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 16, 1902.

W. W. Hastings, Esq.,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed the decision of the Commission to the Five Civilized Tribes rejecting the application of Margaret J. Emerson for the enrollment of herself as a citizen by intermarriage and for the enrollment of her two daughters, Sarah E. Reel and Georgia Emerson as citizens by blood of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Acting Chairman.

Enc. H-6.

REFER IN REPLY TO THE FOLLOWING:

Cherokee R. 690

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 19, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee,, Indian Territory.

Dear Sir:

There is enclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, rejecting the application for the enrollment of Margaret J. Emerson as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully

Commissioner.

Enc I-120

RPI

Copy--COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land.
18379-1907.

February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from Commissioner Bixby, dated February 19, 1907, enclosing the record of proceedings in the matter of the application for the enrollment of Margaret J. Emerson as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner, dated February 19, 1907, rejecting the application.

The applicant herein is a white woman and has no rights to enrollment as a citizen by intermarriage of the Cherokee Nation except such as she acquired by reason of her marriage to G. W. Emerson. The record shows that the application for the enrollment of Emerson as a citizen by blood of the Cherokee Nation was denied on March 23, 1905, and that thereafter he and the applicant and his family removed to the State of California, where they have resided continuously to the present time.

The Office is therefore of the opinion that the decision of the Commissioner rejecting the application for the enrollment of Margaret J. Emerson is in accordance with the decision of the Supreme Court of the United States in the case of Daniel Red Bird, et al., vs. the United States, and it is recommended that it be affirmed.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

EWE-D

D.C. 12637

LRS

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J. P.

O.K.

I. T. D.

March 2, 1907.

5846, 5932, 5934, 5936,
5992, 6004, 6006, 6010,
6014, 6016, 6018, 6024,
6028, 6030, 6032, 6034,
6072, 6098, 6104-1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Wuskegee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases
adverse to the applicants are hereby affirmed. Copies of
Indian Office letters submitting your reports and recommending
that the decisions be affirmed are enclosed:

Title of Case.

Date of Your
Letter of Transmittal.

Elizabeth Davis,	February 14, 1907.
James C. Williamson,	February 19, 1907.
Ruth A. Davis,	February 19, 1907.
Edipher Nicholson,	February 19, 1907.
Robert A. Abney,	February 19, 1907.
Wapease Miller,	February 19, 1907.
Margaret J. Maersden,	February 19, 1907.
Sarah P. Miller,	February 14, 1907.
William Clifford Dawson,	February 21, 1907.
Lerene and Preston Davis Smith,	February 23, 1907.
Rosa Haynes (Freedman),	February 17, 1907.
Willie Fletcher Hurst,	February 23, 1907.
John W. Chandler,	February 21, 1907.
Laura Coats,	February 16, 1907.
Charlotte E. Bonds,	February 18, 1907.
Thomas Jacob et al.,	February 21, 1907.
Elizabeth and Charles Colbert (Freedmen),	February 17, 1907.
Frank E. Brandon,	February 18, 1907.
Rexie Hill (Freedman),	February 18, 1907.

-2-

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse H. Wilson,
Assistant Secretary.

19 inc. and 38 inc.
to Ind. Of.

A F Mc

3-2-07.

REFER IN REPLY TO THE FOLLOWING:
Cherokee R 690

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 11, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

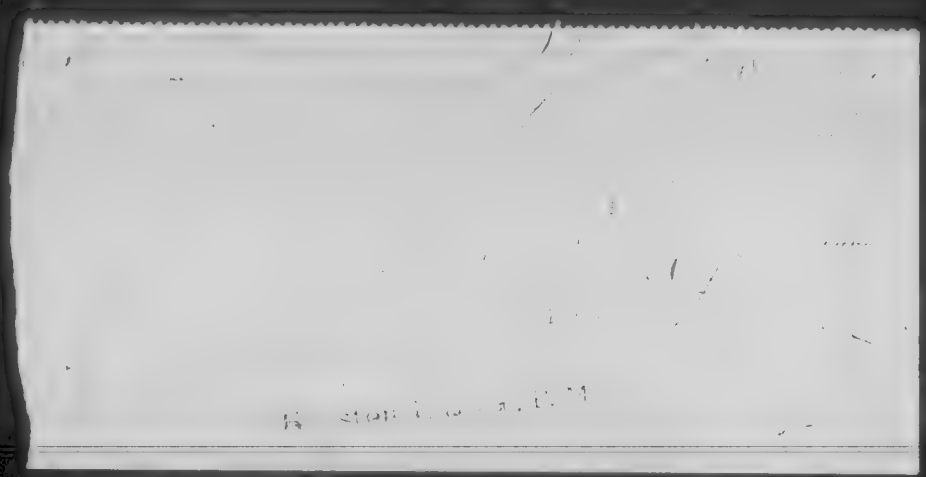
You are hereby advised that the decision of the
Commissioner to the Five Civilized Tribes, dated February 19,
1907, rejecting the application for the enrollment of Margaret
J. Emerson as a citizen by intermarriage of the Cherokee
Nation, was affirmed by the Secretary of the Interior, March
2, 1907.

For your information there is enclosed herewith a
copy of Departmental decision referred to.

Respectfully,

Encl.H-85
JMH


Commissioner.



W. 683

Margaret J Emerson

et al.

Original testimony Oct. 21, 1900.

Memorandum of application

Supplemental testimony Oct 31 1900

Notice of final Consideration, 3/7/02

& Receipt for testimony

Order closing testimony, 4/7/02

Transferred to Court B 690.

Cher D 684

Cher D 684

1080

DEPARTMENT OF THE
COMMISSION TO THE
FIVE CIVILIZED TRIBES
MAY 24 1960



AS THE

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I.T., October 24, 1900.

In the matter of the application of Stephen G. Maxfield for the enrollment of himself, wife and child as Cherokee citizens; being sworn and examined by Commissioner Brackinridge he testified as follows:

Q What is your full name? A Stephen G. Maxfield.
Q How old are you? A 23 years old.
Q What is your post-office? A Tulsa.
Q In what district do you live? A Cooweescoowee District.
Q Who is it you want to have put on the roll? A Myself and family, my wife is adopted, but I haven't the marriage certificate with me.
Q You want to apply for yourself and wife? A Yes sir.
Q And then you say you want to apply for your mother? A Yes sir.
Q Is your mother old and infirm and unable to apply for herself? A Yes sir, she is about 60 years old.
Q Is she living with you? A Yes sir.
Q Is she an invalid? A No sir, she is not, - she has been sick lately and not able to go around.
Q Is she a widow? A Yes sir.
Q Are you a Cherokee by blood? A Yes sir.
Q What is your wife? A She is a white woman.
Q How long have you lived in the Cherokee Nation? A I came here in 1879 or 1880.
Q Were you admitted to citizenship by the Cherokee Council or Commission? A Yes sir.
Q Let me see your certificate of admission? A I haven't it.
Q You have lived here ever since you came here in 1879 or 1880? A Yes sir.
Q Give me the name of your father? A James Maxfield.
Q Is he dead? A Yes sir.
Q Give me the name of your mother? A Kate.
Q She is alive is she? A Yes sir.
Q Give me the name of your wife? A Oba Maxfield.
Q No middle name? A No sir.
Q How old is she? A About 28 years old.
Q When were you married to her? A In 1894.
Q Have you a certificate of your marriage? A I have at home, I haven't it with me.
Q Were you ever married except to this wife? A No sir.
Q Was she ever married except to you? A No sir.
Q Have you and your wife lived together ever since you were married? A Yes sir.
Q And all the time in the Cherokee Nation? A Yes sir.
1890 roll page 280 #3442 Stephen G. Maxfield Cooweescoowee; native C.
1898 roll page 316 #720 Oba Maxfield, Cooweescoowee Dist.
applicant; I have a child living.
Q Give me the name of your child? A Gracie.
Q How old is this child? A 16 months old.
Q That's all you have got in your family? A Yes sir.
Q Where did you come from? A Chickasaw Nation.
Q Where were you born? A Chickasaw.
Q Did your father and mother live there in the Chickasaw Nation? A Yes sir.
I think they lived there 10 or 15 years.
Q Where did they live before that? A My mother was born here in the Nation.
Q And then they married and lived down there 10 or 15 years? A I think so, I don't know exactly.
Q Did they ever leave the Indian Territory, your father and mother, during their married life? A Not as I know of.

Stephen G. Maxfield et al 2

- Q Did your mother ever live outside of the Indian Territory?
A No sir.
Q What was your mother's name in 1880 - 20 years ago, - when did your father die? A He died in 1872 or '3.
Q Hadn't your mother married by 1880 again? A Yes sir, she had married.
Q What was her name in 1880? A Claywell.
1880 roll again & for applicant's mother and name not found;
Q Where is your mother? A She is at our place.
Q What was the name of her father? A I couldn't say.
Q You don't know the name of her mother? A No sir.
Q Your mother lived with your father until your father died?
A Yes sir.
Q Never separated, - no divorce, or anything of that sort?
A No sir.
Q Is your mother a Cherokee or a white woman? A Cherokee.

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and infant child; he states that he came to the Cherokee Nation in '79 or '80, from the Chickasaw Nation; that his father and mother had previously lived in the Cherokee Nation; lived for 15 years in the Chickasaw Nation and moved back to the Cherokee Nation at the time stated; and that he, the applicant, has lived here ever since; he is identified on the roll of 1896 as a native Cherokee; but he cannot produce any evidence of having been re-admitted to citizenship by the Cherokee Council or Commission; he will be listed as a Cherokee by blood, but his application will be placed upon a doubtful card, for further consideration.

He states that he married his wife in 1894, that they have lived together ever since; that neither were ever previously married; and she is identified upon the roll of 1896; she is also will be listed on a doubtful card but as a Cherokee by adoption, and the applicant is desired to supply the Commission with a certificate of his marriage.

When he files the certificate of birth as to the infant child, Grace, this child also will be listed as a Cherokee by blood, upon a doubtful card.

A. D. Green, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 24 day of October 1900.

W. D. Green
Commissioner.

20 684

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 15 1880

[Signature]

ACTING COMMISSIONER
U. S. DEPARTMENT OF THE INTERIOR

S U P P L E M E N T A R Y - T E S T I M O N Y .

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHULSHA, I.T., NOVEMBER 16th, 1900.

ADDITIONAL TESTIMONY IN THE MATTER OF THE APPLICATION OF Stephen G. Maxfield, CARD "D" #384.

Said Maxfield, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q Give me your full name? A Stephen G. MAXfield.

The applicant now presents an official copy of an Act of the Cherokee Council, approved November 13th, 1863, which document is filed ~~hmmmmmm~~ in the case of Kate Lord, "D" #385, showing that certain persons were admitted to Cherokee citizenship by said Act, and among them appears the name of Albert G. Maxfield, age at that time seventeen years.

Q That is your name, is it? A That is my brother's name.

Q There also appears the name of Stephen A. Maxfield, age at that time ten years: Is that intended for your name? A Yes sir.

Q What was your mother's name at that time? A Kate Claywell.

Q They got your middle initial wrong? A Yes sir.

This is recognized as official evidence of the applicant's admission at the time stated.

Q You were desired to supply the Commission a certificate of your marriage: Have you that? A Yes sir, but I have not got it with me.

Q Why did you not bring it? A I did not think it was necessary.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

C. R. Breckinridge
Subscribed and sworn to before me this 16th day of November, 1900.


COMMISSIONER.

Cher
Supp'l to D 684

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., October 20, 1902.

In the matter of the application of STEPHEN G. MAXFIELD, for in the enrollment of himself and his child GRACIE MAXFIELD, as citizens by blood, and his wife, OBA MAXFIELD, as a citizen by intermarriage, of the Cherokee Nation:

STEPHEN G. MAXFIELD, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A Stephen G. Maxfield.
Q What is your age ? A Thirty.
Q What is your post office address ? A Tulsa.
Q Are you the same Stephen G. Maxfield that applied to the Commission in 1900, for enrollment as a citizen by blood of the Cherokee Nation ? A Yes sir.
Q What is your wife's name ? A Oba.
Q What is her age ? A Thirty years.
Q Is she living at this time ? A Yes sir.
Q Is she a white woman ? A Yes sir.
A She is an applicant for enrollment as an intermarried citizen ?
A Yes sir.
Q When were you married to your wife Oba ? A In 1894, on July 23, 1894.
Q Had you ever been married before you married this wife ?
A No sir.
Q Had she ever been married before she married you ?
A No sir.
Q Have you filed your marriage certificate with the Commission ?
A Yes sir.
Q Have you and your wife Oba lived together as husband and wife ever since your marriage in 1894 up to the present time ?
A Yes sir.
Q Have you ever been separated ? A No sir.
Q Were you and she living together on the first day of September, 1902, as husband and wife ? A Yes sir.
Q How long have you lived in the Cherokee Nation ?
A Since 1881.
Q All the time since 1881 ? A Yes sir.
Q Has your wife lived in the Cherokee Nation all the time since her marriage to you in 1894 up to the present time ? A Yes sir.
Q This child, Gracie, is that your child by your wife Oba ?
A Yes sir.
Q Is Gracie living now ? A Yes sir.
Q Has she lived in the Cherokee Nation all her life ?
A Yes sir.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this November 24, 1902.

E. C. Bagwell
B. C. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Stephen G., and Gracie Maxfield as citizens by blood of the Cherokee Nation, and for the enrollment of Oba Maxfield as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on October 24, 1900, Stephen G. Maxfield appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of himself and his minor child, Gracie, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Oba Maxfield, as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 20, 1902.

The printed list of those admitted and readmitted to citizenship in the Cherokee Nation by the duly constituted authorities thereof, and in possession of this Commission, shows that Stephen G. Maxfield was admitted to citizenship in said nation on November 13, 1883. He is identified on the 1896 census roll of the Cherokee Nation.

The evidence shows that the said Stephen G. Maxfield was lawfully married on July 25, 1894, to Oba Shokey, designated in the marriage license as Abie Shokey. His said wife is identified on the 1896 census roll of the Cherokee Nation. The child, Gracie, is too young to be upon any tribal roll, but she is identified by a birth affidavit made a part of the record herein.

The evidence further shows that the said Stephen G. Maxfield has lived in the Cherokee Nation continuously since his admission to citizenship therein, and that his said wife, Oba, has lived with him in said Nation from the date of her marriage to him up to and including September 1, 1902. The minor child, Gracie, has lived in the Cherokee Nation all her life.

It is, therefore, the opinion of this Commission that Stephen G. Maxfield and Gracie Maxfield should be enrolled as citizens by blood of the Cherokee Nation, and that Oba Maxfield should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tamc Dintin

Acting Chairman.

F. D. Needles

Commissioner.

C. B. Brockbridge

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB - 1 1903

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON I. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-684

Muskogee, Indian Territory, February 7, 1903.

W. W. Hastings,

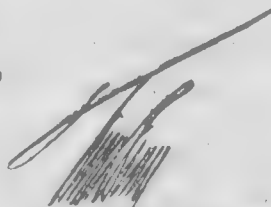
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of Stephen G. Maxfield for the enrollment of himself and his minor child, Gracie Maxfield, as citizens by blood, and for the enrollment of his wife, Oba Maxfield, as a citizen by intermarriage, of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen day from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. M-923.

10 Co.

Stephen G. Maxfield

2/1/1

- A. Original testimony, Oct 22, 1900
- B. Memo. of application " "
- C. Supplemental testimony, Nov. 16, 1900
- D. Certificate of marriage.
- E. Birth affidavit - Grace Maxfield.
- F. Letter from Commissioner to applicant
- G. Letter to applicant re: to enrollment

Canceled
Charles W. Maxfield

See Cherokee, October 1885

Cher D 685

Cher D 685

4685

RECEIVED

1900

RECEIVED
COMMISSION TO THE
FIVE CIVIL
OCT 24 1900



W. H. HARMAN

1900

Department of the Interior
Bureau of Indian Affairs
Clatsop, N. T., October 24, 1900.

In the matter of the location of Stephen G. Maxfield for the burial of his mother, Kate Lord, as a Cherokee citizen, being sworn and examined by Commissioner Washburn he testified as follows:

Q Give me your full name? A Stephen G. Maxfield.
Q How old are you? A 28 years old.
Q What is your post-office? A Tulsa.
Q In what district do you live? A Coconawagon District.
Q Who do you apply for now, your mother? A Yes sir.
Q What is her name? A Kate Lord.
Q How old is she? A About 60 years old.
Q Is your mother living with you? A Yes sir.
Q Is she a widow? A Yes sir.
Q You stated to me that your mother had been sick and was unable to appear at this time for herself, is that true? A Yes sir.
App: She was sick when I left home.
Q Is your mother a Cherokee or a white woman? A She is Cherokee.
Q How long has she lived in the Cherokee Nation? A Lived since 79 or 80.
Q What was her maiden name? A Hastings.
Q Do you know the name of her father? A No sir.
Q Do you know the name of her mother? A No sir.
Q How often has your mother been married? A Been married 3 times.
Q What is the name of her first husband? A James Maxfield.
Q Was he a white man or a Cherokee? A White man.
Q Where did she marry him? A I don't recollect.
Q Is he a live or dead? A He is dead.
Q Did she live with him from the time of their marriage until his death? A I suppose so.
Q You never heard anything to the contrary? A No sir.
Q You know when he died? A About 1878.
Q What is the name of your mother's next husband? A Thomas A. Claywell.
Q When did your mother marry him? A About 1874 I believe.
Q Was he a white man? A Yes sir.
Q Is he alive or dead? A He is dead.
Q When did he die? A He died in 1899.
Q Did your mother live with him from the time of her marriage until his death? A Yes sir.
Q Then she married again did she? A Yes sir.
Q To whom did she marry the last time? A A. W. Lord.
Q Is he alive or dead? A He is a live.
Q Is he living with your mother? A No sir.
Q Is he a white man? A Yes sir.
Q Where is he living? A He is living 4 or 5 miles from where I live.
Q Did he abandon your mother? A Yes sir.
Q Was there ever any divorce between them? A No sir.
Q Did he mistreat your mother? A I suppose so.
Q He went away and left her? A Yes sir.
Q Your mother didn't go away and leave him? A No sir.
Q When did he leave your mother? A 1897 I believe it was.
Q And has lived away from her ever since? A Yes sir.
Q In 1890 your mother was a Claywell? A Yes sir.
Q And in 1896 her name was Lord? A Yes sir.
1890 roll examined her mother and name not found;
1896 roll page 392 shows Kate Lord, Coconawagon;
Q Your mother lived in the Cherokee Nation before she lived down in the Chickasaw Nation? A Yes sir.

8813
Cherokee B-458.

Department of the Interior,
Commission to the Five Civilized Tribes.

Muskogee, I. T., February 27, 1908.

In the matter of the application of Kate Lord for enrollment
as a citizen of the Cherokee Nation.

Supplemental Statement.

On the 24th day of November, 1900, there was filed with
the Commission to the Five Civilized Tribes a duly certified copy
of an act of the National Council of the Cherokee Nation approved
November 13, 1883, from which it appears that, among others, Kate
Hastings was admitted to all the rights and privileges of a citizen
of the Cherokee Nation as a Cherokee by blood.

It is ordered that copies of this statement be filed
with the testimony in this case.


Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of Stephen G. Maxfield for the enrollment of his mother, Kate Lord, as a citizen of the Cherokee Nation.

—O—

On the 24th day of October, 1900, Stephen G. Maxfield appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of his mother, Kate Lord, as a citizen by blood of the Cherokee Nation.

At the conclusion of the evidence offered at that time the name of Kate Lord was placed upon a doubtful card, awaiting evidence of her Cherokee citizenship.

Further evidence has been submitted to this Commission and the following decision is rendered:

D E C I S I O N .

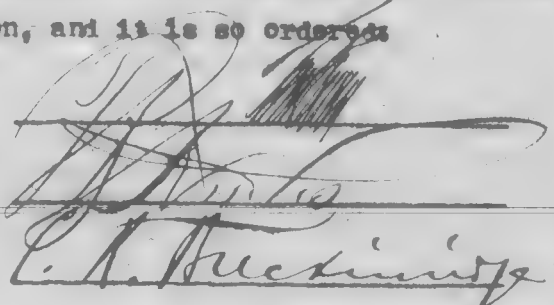
From the evidence of record in this case it appears that Kate Lord was admitted to all the rights and privileges of a citizen of the Cherokee Nation as a Cherokee by blood, under the name of Kate Hastings, by an act of the Cherokee National Council approved November 15, 1883; that she has resided in the Cherokee Nation since her admission to citizenship; and that she is duly identified on the Cherokee census roll of 1896. It further appears that she was sick at the time of the application and unable to appear in person.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1896 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled

by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were miners when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the facts and the law in this case it is considered that Kate Lord is entitled to be enrolled as a citizen by blood of the Cherokee Nation, and it is so ordered:

A large, stylized handwritten signature in dark ink, appearing to read "C. A. Bucknidge". The signature is written over a horizontal line.

Commissioners.

Dated at Muskogee, Indian Territory,

JUN 9 - 1902

Cherokee U 685.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Kate Lord as a citizen by blood of the Cherokee Nation.

ORDER OF DISMISSAL.

The record in this case shows that on October 24, 1900, Stephen G. Warfield appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of his mother, Kate Lord, as a citizen by blood of the Cherokee Nation.

On June 6, 1900, this Commission rendered a decision granting the application for the enrollment of the said Kate Lord as a citizen by blood of the Cherokee Nation.

The evidence in this case shows that the said Kate Lord died on April 21, 1901. An affidavit to that effect is made a part of the record herein.

Section twenty-five of the Act of Congress approved July 1, 1902 (Public No. 241), duly ratified as provided for in section twenty-five thereof, is as follows:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is therefore, the opinion of this Commission that the former decision, granting the application of said Kate Lord as a citizen by blood of the Cherokee Nation, be set aside and held for

naught, and that the application for the enrollment of said Kate Lord as a citizen by blood of the Cherokee Nation, be, and the same is, hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tame Bixby

Chairman.

(SIGNED)

T. B. Needles

Commissioner.

(SIGNED)

C. R. Breckinridge

Commissioner.

(SIGNED)

W. E. Stanley

Commissioner.

Dated at Muskogee, I. T.,

this JUN 1 - 1903

COMMISSIONERS
HARRY L. DAWES
TAMM BEADY
THOMAS B. NEEDERS
C. R. BUCKENSTEGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cher. D-685.

Muskogee, Indian Territory, June 9, 1902.

W. W. Hastings, Esq.,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

Enclosed herewith please find copy of the decision of the Commission rendered June 9, 1902, in the matter of the application for the enrollment of Kate Lord as a citizen of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the person above named as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Yours truly,

Tamm Beady
Acting Chairman.

Encl. D-685.

COMMISSIONERS

TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-685.

Muskogee, Indian Territory, July 9, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Table Rock, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1903, dismissing the application of Stephen G. Maxfield for the enrollment of his mother, Kate Lord, as a citizen by blood of the Cherokee Nation, she having died on April 21, 1901.

Respectfully,


Commissioner in Charge.

Enc. H-25.

CR.

LLS

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 4467-1902.
22522-1906.

February 1, 1907.

LLS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

August 31, 1906, you reported relative to a petition for a rehearing of the application of Charles E. Shufeldt for the enrollment of himself and his minor children, Charles A. and Dora A. Shufeldt, as citizens of the Cherokee Nation of Shawnee blood.

The record shows that the principal applicant, Charles E. Shufeldt is the son of Martha A. Shufeldt, of Shawnee blood, who was admitted with certain named children to citizenship in the Cherokee Nation on December 9, 1882, by an act of the Cherokee Council, which contained this proviso:

"That the persons herein admitted shall pay to the treasurer of the Cherokee Nation the sum of one hundred and ninety-five dollars each, the same being the amount per capita paid by the Shawnees now citizens of the Cherokee Nation, and provided further, that the above amount shall be paid by each of said shawnees before any rights shall accrue under this act."

In pursuance of said proviso, it is shown that there was paid on behalf of Martha A. Shufeldt and her sons, Frank and

Percy Shufeldt, who were at that time minors, the sum of \$195 each, as required to be paid under said act before any rights shall accrue thereunder, but no evidence of any payment is shown to have been made by or on behalf of Charles E. Shufeldt, who was also a minor at the date of the admission of his mother and brothers to citizenship, of the sum of \$195, as required by the act.

The petition for a reopening does not claim that evidence of such payment can be secured, and in fact the record shows that the original attorney for the applicant stated that such evidence was not procurable.

Inasmuch as the name of applicant was omitted from the Cherokee act of admission of his mother and brothers, and no evidence of the payment of \$195 can be shown, as provided by said act for the admission of applicant, said petition for rehearing is hereby denied.

You will advise applicant and his agent of this action.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

9 inc. to Ind. Of.

REFER IN REPLY TO THE FOLLOWING:

Cherokee R 685

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 7, 1907.

W W. Hastings,

Attorney for the Cherokee, Nation.

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion for rehearing filed June 19, 1906, by your attorneys E. B. Lawson, Nowata, Indian Territory, and J. H. Keith, Coffeyville, Kansas, in the matter of the application for the enrollment of Charles E. Shufeldt, and his minor children, Charles A. and Dora A. Shufeldt, as citizens of the Cherokee Nation of Shawnee blood, was denied by the Secretary of the Interior February 1, 1907.

For your information, there is enclosed herewith copy of Departmental letter.

Respectfully,

Commissioner.

Enc I-204
HPT

10

685

Kate Lord

Transferred to Cherokee R-874

Original testimony, Oct. 22, 1900
Memorandum of application.
Certified copy, Act of Admission.
Supplemental testimony, 10/22/00

See Cherokee packet R-874

Cher D 686

Cher D 686

0686

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS
OCT 11 1908

Acting Registrar

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I.T., October 24, 1900.

In the matter of the application of Dave Hendricks for the enrollment of himself, wife and children as Cherokee citizens, being sworn and examined by Commissioner Brackettidge, he testified as follows, through official interpreter, Simon R. Walkingstick:

- Q Give your full name? A Dave Hendricks.
Q What is his age? A 48 years old.
Q What is his post-office? A Claremore.
Q Cherokee County District? A Yes sir.
Q Ask him who is it he wants to have enrolled, himself and family?
A Himself, wife and 2 children.
Q Are you a full-blood Cherokee? A He doesn't know.
Q Is your wife a Cherokee? A Yes sir.
Q How long have you lived in the Cherokee nation? A All his life, excepting he says he has been out in the Strip a short time.
Q Did you go out into the Oklahoma country? A Yes sir, before the Strip sale.
Q Did you take a reservation out there? A Yes sir.
Q Give me the name of your father? A William Hendricks.
Q Is he dead or alive? A Alive.
Q Give me the name of your mother? A Jennie Hendricks.
Q Is she alive? A She is dead.
Q Give me the name of your wife? A Martha.
Q How old is she? A About 53.
Q When did you marry her? A Been married 31 years.
Q Were you ever married except to this woman? A That's all.
Q Was she ever married except to you? A I think she has been married to another man before.
Q Give me the name of your wife's father? A Allen Manning.
Q Is he dead? A Dead.
Q Give me the name of your wife's mother? A Quaty Manning.
Q Is she dead? A Dead.
Q How long has your wife lived in the Cherokee Nation, - all her life? A All her life.
Q When did you take that reservation out in Oklahoma country?
A I think in 1893.
Q Has his wife lived here all her life? A Yes sir.
Q Give me the names of your children? A Levi.
Q How old is he? A 15.
Q Next child? A Mike.
Q How old is Mike? A 13 years old.
Q Both living now? A Yes sir.
Examined by Cherokee Rep're J.L. Baugh:
Q Dave where was you living at at the time the agreement was made for the settling of the Cherokee Outlet? A I was living in the Strip at that time. But at the time the agreement was made I was at Tahlequah; he said he was living out there.
Q How long did you remain there after this agreement was made?
A He said he returned in March, the spring following the agreement.
Q Ask him did he and his wife and all of his children take allotment as persons living there at that time? A He says that he and his wife and children all took their 80 acres over there, understanding that they could either take that much land or the money.
Q Ask him who drew his money? A He says he thinks Robert L. Owens drew his money.
Q How long has you lived there Dave prior to the time that this agreement was made? A He had been there about 6 years.
Examined by Gen'l Brackettidge:
Q Ask him if he took land over there as a settler? A No sir, their intention was to come back to the Cherokee Nation.

David Hendricks et al 2

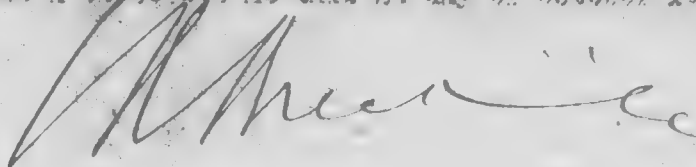
Q I asked him if he took it as a settler? A No sir, he did not.
1880 roll page 738 David Hendricks Tahlequah Dist, native Chero
1880 roll page 708 Martha Hendricks "
1896 roll page 174 David Hendricks Coconino Co, Ariz
1896 roll page 174 Martha Hendricks, "
1896 roll page 174 David Hendricks "
1896 roll page 174 Martha Hendricks "

Gov'r Breckinridge: The applicant applies for the enrollment of himself, his wife and two children; he and his wife are identified on the rolls of 1880 and 1896 as native Cherokees; he states that they have lived in the Cherokee Nation all their lives, but he further states that he has taken land on a reservation in what is now Oklahoma country, for his self and family, as shown in the testimony, and for the further consideration of the effect of this act as set forth in the testimony, he will now be listed as a Cherokee by blood on a doubtful card, and the final decision of the Commission will be made known to him at his post-office address.

His two minor children by his present wife Cherokee wife are identified with their parents on the roll of 1896; they are living now and they will be listed on a doubtful card as Cherokees by blood with their father and mother.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 24 day of October 1900.



Commissioner.

COMM#22376101
100-100000
SUPPLEMENTAL: D-696.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I. T., November 16, 1900.


In the matter of the application of David Hendricks for the enrollment of himself and family as Cherokee citizens; being sworn and examined by Commissioner Needles he testified as follows:

(Sequitahie, Interpreter:)

- Q What is your name? A David Hendricks.
Q Ask him when he came back to the Cherokee Nation after taking his allotment out in the Strip. A He says he bought his place some in 1893, and came back in March 1894x 24th 1894.
By Cherokee Atty W.V. Hastings:
Q Has he lived here ever since? A Yes sir.
By Com'r Needles:
Q Was the price of his allotment taken out of his Strip money?
A Yes sir.
Q He has been living here all the time since 1894 has he?
A Yes sir, he has been living here ever since.

Com'r Needles: The supplementary testimony indicates that said David Hendricks and his family should be listed for enrollment on a straight card, he being a full-blood Indian, and the value of the allotment having been taken out of his strip pay ~~at present~~ money, - consequently his name should be taken from doubtful card and placed on a straight card.

M.D. Green, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.


Subscribed and sworn to before me this 16th day of November 1900.



Commissioner.

8973

Cherokee D-686.

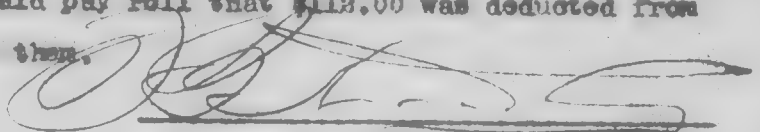
Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of David Hendricks et al.
for enrollment as citizens of the Cherokee Nation.

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Supplemental Statement.

From the "list of Reservators" of the Cherokee pay roll
of 1894, page 13, it appears that David Hendricks, Martha Hendricks,
Levi Hendricks and Mike Hendricks were each paid \$153.70, and it
further appears from said pay roll that \$112.00 was deducted from
the amount due each of them.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of David, Martha, Levi and Mike Hendricks as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on October 24, 1900, David Hendricks appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment of himself, his wife, Martha, and his two minor children, Levi and Mike Hendricks, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Chelsea, Indian Territory, on November 16, 1900.

The said David Hendricks and his wife, Martha, are identified on the 1880 authenticated tribal roll of the Cherokee Nation, and on the 1896 census roll of the Cherokee Nation. The two minor children, Levi and Mike Hendricks are identified on the 1896 census Roll of the Cherokee Nation.

The evidence shows that those for whom application is here made have resided in the territory now embraced in the Cherokee Nation all their lives with the exception of six years immediately preceding March 24, 1894. During the six years mentioned they were residing in what is known as the "Cherokee Outlet" or "Cherokee Strip" now embraced in the Territory of Oklahoma. Each of the applicants took an allotment in the said "Cherokee Outlet" of eighty acres and the sum of \$112.00 was deducted from the amounts due each of them in the Cherokee payment of 1894 on account of such allotments, as shown by the record of the Cherokee nation in possession of this Commission.

The evidence further shows that the said David Hendricks and his wife Martha, were residents of the Cherokee Nation at the date of the application herein, and the residence of the children is considered to be that of their parents.

It is, therefore, the opinion of this Commission that David Hendricks, Martha Hendricks, Levi Hendricks and Mike Hendricks should be enrolled as citizens by blood of the Cherokee nation in accordance with the provisions of section twenty-one of the Act of Congress, approved June 26, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskegee, Indian Territory,

this

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COMMISSIONERS
HENRY L. DAWES
JAMES HENRY
THOMAS H. NELSON
C. R. HARRINGTON

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 686.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 3, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 1, 1902, granting the application of David Hendricks for the enrollment of himself, his wife, Martha Hendricks, and his two minor children, Levi and Mike Hendricks, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. C. No. 6.

David Hendricks
et al.

51

- A. Original Testimony, Oct. 24, 1900
- B. Memo. of application
- C. Supplemental Testimony, Nov. 16, 1900
- D. Supplemental Testimony, Nov. 16, 1900

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to
Docket

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1892

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE GENERAL LAND OFFICE

601

CHIEF OF BUREAU

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I. T., October 24, 1900.

In the matter of the application of John R. Taylor for the enrollment of himself, wife and children as Cherokee citizens; being sworn and examined by Commissioner of Brookbridge he testified as follows:

- Q What is your full name? A John R. Taylor.
Q How old are you? A 55.
Q What is your post-office? A Oolagah.
Q In what district do you live? A Cooweescoowee.
Q What is it you want to enroll, yourself and family? A Yes sir.
Q Have you a wife? A Yes sir.
Q How many children have you? A 7.
Q All of them under 21 years of age? A One is 21.
Com'r: He should apply for himself.
Q You have six under 21? A Yes sir.
Q These six are all unmarried? A Yes sir.
Q Are you a Cherokee by blood? A No sir.
Q Is your wife a Cherokee by blood? A Yes sir.
Q Let me see your marriage license and certificate.
A (Produces papers)
Q You have been married twice? A Yes sir, to the same woman though.
Com'r: The applicant presents a license issued by the clerk of Cooweescoowee District April 25 1894, authorizing marriage between himself and wife, and the certificate shows that they were united in marriage on the same date by the mayor of Oolagah; this is filed herewith.
Q Now you had previously been married to your wife under United States laws? A Yes sir.
Q When? A On the 14th day of January 1872.
Q You and your wife lived together ever since you were married to her in 1872? A Yes sir.
Q Have you lived with her in the Cherokee Nation ever since you were married to her in 1894 under the Cherokee law? A Yes sir, and a good many years before.
Q You are not on the roll of 1880? A No sir.
Q Neither is your wife? A No sir.
Q What is your wife's full name? A Caledonia C.
Q How old is your wife? A I think about 43.
Q How long has she lived in the Cherokee Nation? A About 11 years the last time.
Q You were admitted to citizenship by the Cherokee Council or Commission? A Yes sir, both of them.
Q Have you a certificate or any official evidence of the facts? A Yes sir (Produces papers)
Com'r: The applicant presents an official copy of an act of the Cherokee Council a proved November 28 1893 commanding that an error on the certificate of citizenship of Caledonia C. Taylor nee Hayfield, noting her as dead, be corrected, and that the record show she is now living, this is recognized as official evidence of her recognition by the Cherokee Council at the time stated; it is filed herewith. It further requires that the name of John Hayfield who is stated as dead, be stricken from the record.
Q Now have you and your wife lived in the Cherokee Nation ever since 1893? A Yes sir.
Q Give me the names of your children? A Gussie Bella, she is 15 years old;
Q What is the name of the next child? A Delta Lee.
Q How old is that child? A 11 years old.
Q Now the next child? A Jack.
Q How old is Jack? A 2

Q Now the next child? A Maggie.
 Q How old is Kattie? A 2.
 Q Next child? A Maggie.
 Q How old is Maggie? A 4.
 Q Next child? A George D. Taylor.
 Q How old is he? A 2.
 Q These children are all living are they? A Yes sir.
 1896 roll page 327 #4038 John R. Taylor Cowasagooowen, white;
 1896 roll page 272 #4018 and Caldonia G. Taylor "
 1896 roll page 272 #4014 Gussie B. Taylor "
 1896 roll page 272 #4016 Delta L. Taylor "
 1896 roll page 272 #4017 Jack Taylor "
 1896 roll page 272 #4018 Mattie Taylor "
 1896 roll page 272 #4019 Maggie Taylor "
 Q Were you ever married except to your present wife? A No sir.
 Q Was she ever married except to you? A No sir.

Gen'r Breakbridge: The applicant applies for the enrollment of himself, his wife and 6 children; he has presented an official copy of an act of the Cherokee Council approved November 28th 1893, showing that a certificate of citizenship has been issued to his wife by the Commission on citizenship, and correcting an error stated in the act to have been in that certificate of citizenship; the applicant further shows by the license and certificate filed herewith that he was married to his Cherokee wife in accordance with Cherokee law in April, 1894; they have lived together ever since 1894, and prior thereto in the Cherokee Nation, and both the applicant and his Cherokee wife are identified on the roll of 1896; the applicant's children applied for are all minors at this time; ordinarily there would be no question of the existence of a certificate of citizenship which is certified to officially by action of the council of the Cherokee Nation, but the name of the applicant wife does not appear upon the printed roll of persons admitted to citizenship in the possession of the Cherokee representatives present, and that allege that there is a possibility of error in the copy filed with this case of the act of the Cherokee Council; to await an official copy of the certificate of citizenship, claimed by the applicant for his wife, and ~~represented by the applicant~~ referred to by the copy of the act of council filed herewith, the applicant himself will ~~now~~ be listed upon a doubtful card as a Cherokee by intermarriage, his wife as a Cherokee by blood, and all six of the children as Cherokees by blood, it being required of the applicant to supply the Commission with a certificate of birth of the youngest child, George D. Taylor, who is too young to be upon any roll.

...D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof

Subscribed and sworn to before me this 24 day of Oct. 1900.

[Signature]

Commissioner.

Supl. C. - D. #687.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 26th, 1901.

SUPPLEMENTAL PROCEEDINGS in the matter of the enrollment of
John R. Taylor, et al., as Cherokee citizens:

Appearances:

Applicant present in person;
Mr. Hastings for Cherokee Nation.

Com'r Needles: This day comes the applicant and files
with the Commission a certificate from the Assistant Executive
Secretary's office of the Cherokee Nation, under the seal of
the Cherokee Nation, relating to his citizenship. The same will
be filed with the papers in his case.

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J. O. Reason, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic
notes thereof.

J. O. Reason

Subscribed and sworn to before me this October 26th, 1901.

[Signature]

Commissioner.

R

C. D-687

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 7, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of John R. Taylor for the enrollment of himself, wife and children as Cherokee citizens.

Appearances:

~~John R. Taylor, in person;~~
W. J. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 17, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the 7th day of March, 1902; receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: the 7th day of March, 1902, appears in person.

JOHN R. TAYLOR, being first duly sworn and being examined testified as follows:

BY COMMISSION:

- Q What is your name? A J. R. Taylor.
- Q What is your post-office address? A Oolagah.
- Q Are you an applicant before the Commission for the enrollment of yourself wife and children as citizens of the Cherokee Nation? A Yes sir.
- Q What is the name of your wife? A Caldonia C.
- Q Has she been living in the Cherokee Nation continuously since her admission to citizenship? A She has been there except about 5 months, we went to Colorado; on a trip in a wagon to Colorado.
- Q She has never been out only that one time.
- Q Is she living here now? A Yes sir.
- Q Your wife is living at this time? A Yes sir.
- Q Have you lived here continuously since you married in 1894? A Yes sir.
- Q You living in the Cherokee Nation at the present time? A Right at Oolagah, ever since.
- Q Your children are all living in the Cherokee Nation at this time? A Yes sir.
- Q Is there any statement you desire to make relative to the enrollment of yourself, wife and children as citizens of the Cherokee Nation? A I don't know as there is any but what I have made.
- Q Do you submit the case to the Commission for final consideration? A I submit the case, yes sir.

BY COMMISSION: The applicant and the representative of the Cherokee Nation present submit the case, same is ordered closed and reported to the Commission for final decision, based upon the evidence now of record.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M. D. Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John R. Taylor as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Caldonia C. Taylor, and his six minor children, Gussie R., Delta L., Jack, Mattie, Maggie and George D. Taylor, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 24, 1900, John R. Taylor appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Caldonia C. Taylor, and his six minor children, Gussie R., Delta L., Jack, Mattie, Maggie and George D. Taylor, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 28, 1901, and at Muskogee, Indian Territory, on March 7, 1902. A death affidavit was filed with this Commission on October 17, 1902, wherein it is shown that John R. Taylor (J. R. Taylor) died on May 6, 1902.

The evidence shows that John R. Taylor was married to his wife, Caldonia C. Taylor, under United States law, on January 24, 1872, and that he was again married to her on April 28, 1894, under authority of a Cherokee marriage license. It further appears that on October 28, 1901, there was pending before the Cherokee Commission on Citizenship, the application of Caldonia C. Taylor for admission to Cherokee citizenship; that before action was had on said application she was reported dead, and that the ancestor through whom she claimed citizenship was Susan Bracket. The evidence in her case was filed with the case of John Thomas Hayfield. It appears from the records of the Cherokee Nation in the possession of this Commission, that John Thomas Hayfield was admitted to citizenship in the Cherokee Nation on September 2, 1891, by a Cherokee Commission on Citizenship, and that his ancestor through whom he claimed citizenship was Susan Bracket. It further appears that by an Act of the National Council of the Cherokee Nation, approved December 2, 1893, the record of the Commission on Citizenship, in the case of Caldonia C. Taylor, was corrected to show that she was living at the date of the passage of the act. While the act of the National Council above referred to does not admit Caldonia

C. Taylor to citizenship in the Cherokee Nation, it is persuasive of the view that she was a recognized citizen at that time.

John R. Taylor and his wife, Galdonia C. Taylor, are identified on the 1896 census roll of the Cherokee Nation, and have resided in the Nation eleven years next preceeding the application herein. The minor children, Gussie B., Delta L., Jack, Mattie and Maggie Taylor, are identified on the 1896 census roll of the Cherokee Nation. The minor child, George D. Taylor, is identified by a birth affidavit made a part of the record herein. The residence of the children herein applied for must necessarily be the same as that of their parents.

It further appears that all those for whom application is here made were residents of the Cherokee Nation at the date of the application herein.

The evidence further shows by an affidavit of death executed by Galdonia C. Taylor, that her husband, J. R. Taylor (John R. Taylor), died on May 6, 1902. Said affidavit is made a part of the record herein.

It is, therefore, the opinion of this Commission that Galdonia C. Taylor, Gussie B. Taylor, Delta L. Taylor, Jack Taylor, Mattie Taylor, Maggie Taylor and George D. Taylor should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 25, 1896 (50 Stats., 485), and it is so ordered.

It is further ordered by this Commission that the application for the enrollment of John R. Taylor as a citizen by intermarriage of the Cherokee Nation, be, and the same is, hereby dismissed.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Tom D. Dixby.

Acting Chairman.

T. B. Needles.

Commissioner.

C. H. Breckinridge.

Commissioner.

at Muskogee, Indian Territory,

MAR - 2 1903

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AVIERSWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-687

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 7, 1903.

W. W. Hastings,

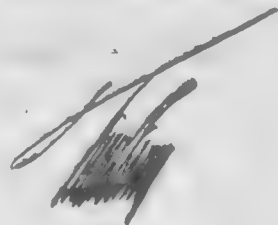
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, granting the application of John R. Taylor for the enrollment of his wife, Caldonia C. Taylor, and his six minor children, Gussie B., Delta L., Jack, Mattie, Maggie and George D. Taylor, as citizens by blood of the Cherokee Nation, and dismissing his application for the enrollment of himself as a citizen by inter-marriage of said Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Chairman.

Enc. M-6197

20 68.

John P. Taylor et al

- 1. Original testimony, Oct. 21, 1900.
- 2. Memo. of application.
- 3. Marriage License & Certif. of marriage.
- 4. Certified Copy. Act of Council.
- 5. Birth affidavit. - George D. Taylor.
- 6. Certificate of citizenship.
- 7. Supplementary testimony, Nov. 21/01.

Notice of final consideration, 3/7/02.
Supplemental testimony and
order closing testimony - 3/7/02.

See later jacket no R 1245

Cher D 688

Cher D 688

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Cherokee, I.T., OCTOBER 24th, 1890.

IN THE MATTER OF THE APPLICATION OF William S. Miles for the enrollment of himself, wife and child as citizens of the Cherokee Nation, and he being sworn and examined by Comptroller, T. H. Needles, testified as follows:

- Q What is your name? A William S. Miles.
Q How old are you? A Forty six.
Q What is your Postoffice? A Claremore.
Q What district do you live in? A Cowasawnee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A No sir.
Q By intermarriage? A Yes sir.
Q Whom do you want to enroll? A Just myself.
Q What is your wife's name? A Rosalee Miles.
Q Have you any certificate of marriage? A Yes sir.
The applicant presents a duly authenticated marriage license and marriage certificate, certifying that he was married on the 8th day of April, 1885, to one, Rosa Ross, a Cherokee citizen by blood; married according to the laws of the Cherokee Nation.
Q What is the name of your child? A London.
Q How old is London? A Eight years old.
Q Is your wife living? A Yes sir.
Q Are you living with her? A Yes sir.
Q Why do you not enroll her? A I can.
Q What is your wife's father's name? A Joshua Ross.
Q Is he living? A Yes sir.
Q What is her mother's name? A Muskogee Ross.
Q Is she living? A Yes sir.
Q Are you and your wife living together now? A Yes sir.
(1896 Roll, Page 318, 1870, William S. Miles, Geo. District)
(1896 Roll, Page 210, 1840, Rosalee Miles, Geo. District)
(1896 Roll, Page 219, 1840, London Miles, Geo. District)
Q How long have you lived in the Cherokee Nation? A Since 1892.
Q Have you been living here continuously since 1892? A Yes sir.
Q How long has your wife lived in the Cherokee Nation? A She has lived here ever since too.
Q She is not living at Muskogee with her father and mother?
A No sir.
Q You were married in 1885? Have you been living in the Cherokee Nation ever since? A No sir; I went to Texas, and came back in 1892.
Q Did you take your wife to Texas? A Yes sir.
Q You have been living here continuously since 1892? A Yes sir.
Q How long did you live in Texas? A About two or three years; part of the time, I had cattle here.
Q Did you have property here in the Cherokee Nation when you were living in Texas? A Yes sir.
Q Did you become a citizen of the State of Texas; did you vote there? A No sir.
Q How old is your wife? A Twenty seven, I think.
Q Your wife's father was readmitted to citizenship? A I do not know anything about that.
Q You say you had property here when you lived in Texas? A Yes sir.
Q What did you have? A Some stock up here on California Creek, and a place.

The name of William S. Miles appears upon the census roll of 1896; The name of his wife, Rosalee also, appears upon the census roll of 1896, as well as the name of his child London Miles; He presents satisfactory proof of marriage to one, Rosalee Ross, in 1885; and he avers that she is the child of Joshua Ross; The

records of the Cherokee Nation show that Joshua Ross was readmitted to Cherokee citizenship, but no date is given as to his readmission. It is averred that said Ross was a miner at the time of said readmission; and the testimony shows that the applicant with his wife removed to and lived in the State of Texas about two years, and no proof of readmission, after his removal to the Cherokee Nation is presented, but the records of the Cherokee Nation also show that his wife, Rosalee Miles was readmitted to Cherokee citizenship, but no date is given as to the said readmission.

Because of the complication in the testimony, and lack of date, final judgment as to the enrollment of the applicant, William S. Miles, his wife, Rosalee Miles, and his child, Louis Miles, as a Cherokee citizen by intermarriage, and his wife and child as citizens by blood will be suspended and their names will be placed on a doubtful card.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R. P. Crawford

Subscribed and sworn to before
me this 24th day of October, 1900.

W. D. Miles
Notary Public
COMMISSIONER.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
NOV. 9 1900

ACTING CHAIRMAN

8688

0001 Q VON

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I T., November 1, 1900.

In the matter of the enrollment of WILLIAM S. MILES, an an-
intermarried Cherokee, and of his wife and child as Cherokees by
blood; Being sworn by com'r Brookbridge and examined by the
Commission he testified as follows:

- Q What is your name? A William S. Miles
Q How old are you? A 46
Q What is your post-office address? A Claremore
Q Are you a recognized citizen of the Cherokee Nation?
A Yes sir, I suppose so.
BY CHEROKEE REPRESENTATIVE W.W. HARRIS:
Q What is the name of your wife? A Rosalee Miles
Q What is the name of your child? A Louise Miles
Q Who was her father? A Joshua Ross
Q Who was her mother? A Her name ~~was~~ as I understand is
Muskogee Ross
Q What is the citizenship of your wife's mother? A She
claims Creek
Q Is she a recognized citizen of the Creek Nation? A Yes sir
Q Is your wife a recognized citizen of the Creek Nation? A We
haven't lived there; we have always lived here.
Q Did you or your wife apply for enrollment as a citizen of the
Creek Nation or Muskogee Nation? A I did not.
Q Did your wife? A Why I suppose she did.
Q Do you know whether she was enrolled as a citizen? A No sir,
her father attended to that.
Q Don't you know whether she was or not? A Why I think she
was, I don't know it.
Q Didn't they take their allotment down there, for your wife
and you? A Yes sir.
Q How could you take your allotment down there unless they were
enrolled? A That's the understanding.
Q It is the understanding that they were enrolled? A Yes sir
Q And that's your understanding? A Yes sir.
Q And you have filed on an allotment for your wife and child
in the Creek Nation? A Yes sir.
Q You say your wife's father made application for her, is that
the way of it? A Yes sir, I never made no application for her at
all.
Q Her father made application for her? A I think he did; I
did not; I think he made it; I don't know anything about it.
Q But you know about taking an allotment down there? A We
went down there and filed on an allotment of land.
Q You and your wife went down there and filed on land? A Yes
sir, and Joshua Ross went with us.
Q Was that in August of this year? A I think it was about
that time.

M.D. Green, being first duly sworn states that as stenographer to
the Commission to the Five Civilized Tribes he correctly recorded
the testimony and proceedings in this case and that the foregoing is
a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 1st day of November 1900.

Commissioner.

Cher
Supp'l to # D 680

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., February 14, 1903.

In the matter of the application of WILLIAM S. MILES, for the enrollment of himself as a citizen by intermarriage, his wife, ROSA L. MILES, and his children, LOUISA and JENNIE MURRELL MILES, as citizens by blood, of the Cherokee Nation:

Appearances:

Applicant present in person;
J. C. Starr, for Cherokee Nation.

WILLIAM S. MILES, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

- Q What is your name ? A William S. Miles.
Q How old are you ? A I am in my 49th year.
Q What is your post office ? A Muskogee at present.
Q You are a white man, are you ? A Yes sir.
Q You are claiming the right to be enrolled as a Cherokee citizen by virtue of intermarriage ? A Yes sir.
Q What is your wife's name ? A Rosa L. Miles.
Q Is she a Cherokee by blood ? A Yes sir.
Q She has been enrolled as a Creek hasn't she ? A Yes sir.
Q Has taken her allotment in the Creek Nation ? A Yes sir.
Q When were you married to her ? A Married in 1885.
Q Were you married under a Cherokee marriage license ?
A Yes sir.
Q Have you made proper proof of your Cherokee marriage, to this Commission ? A Yes sir I think they have my papers here.
Q Was Rosa your first wife ? A Yes sir.
Q Were you her first husband ? A Yes sir.
Q Neither one of you were ever married before ? A No sir.
Q Have you been living with your wife ever since you were married in 1885 ? A Yes sir.
Q Never been separated ? A No sir.
Q Have you been residing in the Cherokee Nation ever since your marriage ? A No sir.
Q Where have you been living ? A Well, I have been living in the Cherokee Nation since 1892, before that time I lived a while at Muskogee, after I was first married.
Q Where were you living when you married ?
A Well, I hadn't made my own home just then, I married at Mr. Ross' at Muskogee, and lived there a while.
Q How long were you in Muskogee at that time ?
A From 1885 to 1888.
Q Then did you go to the Cherokee Nation ?
A I got in bad health and went to Texas.
Q Went to Texas in 1888 ? A Yes sir.
Q Take your wife with you ? A Yes sir.
Q How long did you stay in Texas ? A I believe until 1892; my father lives there, and I lived with him.
Q Did you ever vote in Texas during that four years ?
A No sir, I think not.
Q You would surely know wouldn't you ? A I don't remember of ever voting.
Q You went to Texas simply for your health ?
A Yes sir, my wife and myself both.
Q And for no other purpose ? A No sir.

- Q What place ? A San Angelo.
- Q Did you own any property down there ? A Well, my father gave me a lot, but I sold it right away, I never occupied it at all.
- Q Is that the only property you ever owned there ? A Yes sir, since I was married it is.
- Q Were you engaged in any business in Texas ?
- A I was running a livery stable for my father.
- Q During the time you were there ? A Yes sir.
- Q Did you dispose of that when you came back to the Cherokee Nation ? A Yes sir.
- Q You didn't own it ? A I did not, but at the time I was just working for my father.
- Q You didn't own the business ? A No sir.
- Q You came back to the Cherokee Nation in 1892 ? A Yes sir.
- Q How long did you continue to live there ?
- A I moved to Claremore in the spring of 1893, and I have lived there ever since until two years ago I got pneumonia, and the doctors advised me to go to Texas, and I went back out there. I left there, I think, in April, 1901.
- Q Left where ? A Left Claremore and went to Texas.
- Q You lived continuously in Claremore from 1893 up to 1901, with your wife ? A Yes sir.
- Q You moved back to Texas again in 1901 ? A Yes sir.
- Q Have you lived there since ? A I lived at Claremore since?
- Q No, in Texas ? A Why I went out there in 1901, and stayed there until November and I came back.
- Q What November ? A Last November.
- Q Stayed a little over a year in Texas ? A Yes sir.
- Q You came back from there last November ? A Yes sir.
- Q And took up your residence in Muskegee ? A Yes sir.
- Q And been living there since that time ? A Yes sir.
- Q Your oldest child Louisa has been enrolled also as a Creek ?
- A Yes sir.
- Q What about the youngest child, Jennie ?
- A She has not been enrolled at all.
- Q You never made application for her did you ?
- A Yes sir my father in law attended to that for me, and said he would enroll her, but I don't know whether she has been enrolled or not; I think he said he didn't think he could get her on the rolls. He aimed to come up with me but he has been sick in bed.
- Q Who made application for your wife and oldest child to be enrolled as Creeks ? A My father in law. He attended to all that.
- Q Was your youngest child born at that time ? I xxx xxx
- A No sir.
- Q And you don't know whether he has ever made application for her as a Creek or not ? A Why I think he did; we talked of it, and I think he attended to that. My memory is very bad.
- Q Where do you prefer to have this youngest child, Jennie, enrolled, in which Nation ? A Why I don't know, where it is best for her. I think if she is entitled to anything I would like to have it in the other place. I look at it this way, that she is a Cherokee by blood, and she is a Creek by blood also, and as well as I understood the business she is entitled to either place.
- Q If it should appear that she is entitled to be enrolled in either Nation, in which Nation do you elect to have her enrolled ?
- A I would like to have her with her mother and sister if I could.
- Q In the Creek Nation ? A Yes sir, with them of course.
- Q If she should be enrolled as a Creek do you relinquish for her all her rights in the Cherokee Nation ?
- A I certainly would, yes sir.
- Q Both children are living with you ? A Yes sir.
- Q And always have ? A Oh yes sir.

By J. C. Starr: Comes now the Cherokee Nation and calls the attention of the Commission to the decision of the United States Court for the Northern District of Indian Territory, in the case of Will E. Linton vs The Cherokee Nation.

Witness was examined J. C. Starr, as follows:

Q When did you say you went to Texas the first time after you were married? A In 1888.

Q How long did you stay there? A I stayed there until 1892, I think it was, the spring of 1892.

Q Now between 1888 and 1892 did you ever vote in any of the elections in Texas? A No sir, I can't remember. I had a spell of sickness at Claremore and it affected my mind and I can't remember dates nor nothing hardly at all.

Q Did you ever vote outside the Cherokee Nation since you have been married? A I have not, sir; I was there merely to stay until I got my health, and when I got so I thought I was able to stand it I came back.

Examined by the Commission:

Q In going to Texas was it your intention to make that State your home? A No sir.

Q You regarded the Cherokee Nation as your home did you?

A Yes sir, and as soon as I was able to live here, as I thought, I came back.

Examined by J. C. Starr:

Q Are you willing to swear that you did not vote at San Angelo, Texas, while you were there?

A I don't remember that I did or didn't.

Q You are not sure about that? A No sir. I might ask some of my people and find out, but I don't think I did.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this March 13, 1903.

Samuel Foreman
Notary Public.

CHEROKEE NATION.

CR

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the Application for the enrollment of
Rosalia, Louisa and Jennie Marshall Miles as citizens by blood of
the Cherokee Nation.

REPORT.

The record in this case shows that on October 24, 1900, William C. Miles appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of his wife, Rosalia Miles, and his minor child, Louisa Miles, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Claremore, Indian Territory, on November 1, 1900; at Muskogee, Indian Territory, on March 7, 1901, and at Vinita, Indian Territory, on March 14, 1901. The application also included William C. Miles as a citizen by intermarriage of the Cherokee Nation, but this status as such is not passed upon at this time and he is not enrolled in this decision.

On February 2, 1900, a birth affidavit was filed with this Commission showing that Louisa Marshall Miles was born on September 11, 1881.

The evidence further shows that Rosalia Miles was admitted to the citizenship of the Cherokee Nation, by the duly constituted authorities of said Nation, on January 22, 1898. The said application was signed by William C. Miles, by her husband, William C. Miles, a white man. The said Rosalia Miles is identified on the Cherokee strip of land roll of 1896, also by the Cherokee census roll of 1896. Louisa Miles is identified on the Cherokee census roll of 1900; Jennie Marshall Miles is identified by birth affidavit and a part of the record.

It further appears that the said Rosalia Miles, Louisa Miles, and Jennie Miles, have been enrolled as citizens of the Cherokee Nation. The enrollment has been approved by the Secretary of the Cherokee Nation, and the enrollment of the said Rosalia Miles, Louisa Miles, and Jennie Miles is hereby confirmed.

It is, therefore, the opinion of the Commission that the
act of the United States in selling to the Cherokee Nation as
citizens, by blood of the Cherokee Nation, lands to be sold, is
within the opinion of this Commission that the Cherokee Nation
shall be controlled as citizens by blood of the Cherokee Nation, in
accordance with the provisions of section twenty-one of the Act of
Congress approved June 25, 1896 (30 Stats., 481), and is in order.

COMMISSIONER OF THE GENERAL LAND OFFICE.

(SIGNED)

Tamie Dixie.

(SIGNED)

I. D. Needles.

Acting Secy.

J. H. Brookbridge.

Comptroller.

W. E. Stanley.

Act.

1000
JUN 1 - 1903

DEPARTMENT OF THE INTERIOR
Commission to the Five Civilized Tribes,

Tahlequah I. T. August 12th 1903.

In the matter of the application for the enrollment of Jennie Murrell
Miles as a citizen of the Cherokee nation.
Cherokee D. 688.

The Cherokee nation respectfully protests against the decision of the
Commission ordering Jennie Murrell Miles enrolled as a citizen of the
Cherokee Nation and asks that the record be forwarded to the Honorable
Secretary of the Interior for review.

The mother of the applicant has been enrolled as a citizen of the
Creek nation and we contend that after the mother became a citizen of the
Creek nation Indian Territory and her name was approved by the Honorable
Secretary of the Interior as such that her children born thereafter could
have no greater rights than the mother and the mother being then and
there a citizen of the Creek nation the child if a citizen of any nation
could be a citizen only of the Creek nation; if the child was born too
late for the Creek rolls, which seems to be the condition in this case
and the mother having already relinquished all her right in the Cherokee
Nation we contend that the Child could not be entitled to be enrolled in
the Cherokee nation; the child's citizenship in this case is in the Creek
nation and if born too late for the Creek rolls we do not believe it do-
ing justice to the Cherokees to place its name upon the Cherokee rolls.

We submit therefore that the application for the enrollment of Jennie
Murrell Miles should be denied.

Respectfully,

C. C. S. S.

Attorney for the Cherokee nation.

J. C. S.

COMMISSIONERS
JAMES HIXBY
THOMAS H. NEEDLES
G. R. BRECKINRIDGE
W. F. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

LETTER IN REPLY TO THE FOLLOWING

Cherokee D-688.

RECEIVED JULY 17 1903
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 17, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting the application of William S. Miles for the enrollment of his minor child, Jennie Murrell Miles, and rejecting his application for the enrollment of his wife, Rosalie Miles, and his minor child, Louisa Miles, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Commissioner in Charge.

Enc. H-55.

C O P Y.

LAND 55257/1904.

Department of the Interior,
Office of Indian Affairs,

Washington, March 28, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated August 24, 1903, transmitting the record relative to the application of Josie C. McCann for the enrollment of herself and her minor child, Ethel McCann, as citizens by blood of the Cherokee Nation.

The record shows that Josie C. Kerrell (now McCann), after her original application for enrollment as a citizen by blood of the Cherokee Nation, applied for enrollment as a Creek and that her name is included in the partial roll of citizens by blood of the Creek Nation, approved by the Department March 28, 1902. She is identified by the Cherokee roll of 1880. She was lawfully married to W. H. McCann February 21, 1901, and said minor child is the result of that marriage. Ethel McCann was born January 26, 1902, and is identified by birth affidavit.

The Commission held June 1, 1903, that Josie C. Merrell having been enrolled as a Creek, was not entitled to enrollment as a Cherokee and that her minor child, Ethel McCann, should be enrolled as a Cherokee.

t The Cherokee Nation protests against the Commission's decision, and contends that the mother having relinquished her right to enrollment as a Cherokee prior to the birth of the child the child should follow the citizenship of the mother.

Josie C. McCann is of Creek and Cherokee blood and the child is therefore of Creek and Cherokee blood. Josie C. McCann, under the law had the right to elect ⁱⁿ which nation she would accept her citizenship. John Barber, father of Josie C. McCann, is a Creek and her mother, A. M. Barber, formerly Tovey, is of Cherokee blood. This child being of Cherokee and Creek blood, its parents had the right to elect in which nation it should be enrolled, and it is believed by the office that the decision of the Commission favorable to the enrollment of Ethel McCann as a Cherokee and rejecting the application of Josie C. McCann for enrollment as a Cherokee, should be approved.

The application included John T. and Joe Annie Merrell, minor children of Josie C. McCann, who was formerly the wife of Joseph B. Merrell. Joseph B. Merrell died January 25, 1889.

The two minor children last mentioned, the Commission say have been enrolled as citizens of the Cherokee Nation by blood and that the partial roll containing their names was approved by the Department December 5, 1902.

Very respectfully

A. C. Tomer,

Acting Commissioner.

GAW:IM

3 enclosures.

I.E.D.
2512-1904.

(COPY)

DEPARTMENT OF THE INTERIOR
Office of the Assistant Attorney-General
Washington, May 9, 1904,

S.V.P.
J.M.G.
U.C.P.

The Secretary of the Interior,

Sir:

I received by reference of April 29, 1904, with request for opinion thereon, the record of the Commission to the Five Civilized Tribes, upon the application of William S. Miles for enrollment of his wife, Rosalie Miles, and their minor children, Louisa and Jennie Murrell Miles, as citizens by blood of the Cherokee Nation.

Rosalie Miles is of mixed Cherokee and Creek blood. She made application for enrollment of herself and child Louisa in the Creek Nation and they were so enrolled and have taken allotments as Creek citizens by blood. After Mrs. Miles's enrollment as a Creek citizen, the child Jennie Murrell was born, September 19, 1901. The commission found and adjudged that :

It is, therefore the opinion of this Commission that the application for the enrollment of Rosalie Miles and Louisa Miles as citizens by blood of the Cherokee Nation should be denied; and it is further the opinion of this Commission that Jennie Murrell Miles should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

The Cherokee Nation protests against the admission of

Jennie Murrell Miles. The statute referred to by the Commission (30 Stat., 495, 503), provides that:

The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and the allotment of land and distribution of rights belonging to each tribe; but if no such agreement be made, then the allotment shall be made to such person on the tribe only, and the allotment in which tribe he will take such rights; and if such allotment shall be made to a person in one tribe, he shall be considered as a citizen of that tribe, and there shall be no allotment of land or rights to him in any other tribe.

The Commission has considered the question of ordering the allotment of land to a person in one tribe, and has decided that it is not proper to order the allotment of land to a person in one tribe, and has decided that it is not proper to order the allotment of land to a person in one tribe.

The Commission has also considered the question of ordering the allotment of land to a person in one tribe, and has decided that it is not proper to order the allotment of land to a person in one tribe.

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The Commission has also considered the question of ordering the allotment of land to a person in one tribe, and has decided that it is not proper to order the allotment of land to a person in one tribe.

Respectfully,
Assistant Attorney General

Very truly,
J. M. Miles.

J. M. Miles,
Assistant Attorney General.

D. C. 16619-1904
I. T. D. 35-2-1904.
2016-5

U. S. I.
F. M. I.

L. A. 3

DEPARTMENT OF THE INTERIOR
WASHINGTON.

MAY 16, 1904

Commission to the Five Civilized Tribes.

Waukegan, Indian Territory.

Gentlemen:

August 24, 1903, you transmitted the record in the matter of the application of William S. Miles for the enrollment of his wife, Rosalie Miles, and his two minor children, Jennie Murrell Miles and Louisa Miles, as citizens by blood of the Cherokee Nation, including your decision of June 1, 1903, rejecting said application as to Rosalie and Louisa Miles, and granting the same as to Jennie Murrell Miles. The application included the name of William S. Miles for enrollment as a citizen by intermarriage. His status as such is not passed upon by you, and he is therefore not embraced in this decision.

The attorney for the Cherokee Nation protests against your decision as to Jennie Murrell Miles.

Reporting March 29, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is enclosed.

12

The Assistant Attorney General, in his opinion approved May 9, 1904, held that your decision as to Jennie Murrell Miles is incorrect. A copy of said opinion is inclosed.

Your decision rejecting the application as to Beaulie and Louisa Miles is approved. Your decision as to Jennie Murrell Miles is reverted, and you are directed not to enroll her as a citizen of the Cherokee Nation.

Respectfully,

(Signed) Thos Ryan
Acting Secretary.

2 inclosures.

No Ind. of letter enc.
R.H.

D. C. 16618-1904.

JP JHE LRS

DEPARTMENT OF THE INTERIOR,

ITD 2700-1904.

WASHINGTON.

MAY 17, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

The Department has considered the case involving the application of Josie C. McCann for the enrollment of herself and her minor child, Ethel McCann, as citizens by blood of the Cherokee Nation.

It appears that Josie C. McCann is the mother of two minor children, John T. and Joe Annie Merrell, by her former husband, Joseph B. Merrell, who died in 1889. She and these children were entitled to be enrolled in either the creek or Cherokee Nation. She elected, in 1900, to have the children enrolled in the Cherokee Nation, and on February 4, 1901, she elected to be enrolled as a Creek citizen, and has been so enrolled, on partial roll approved by the Department April 28, 1902. She married William H. McCann, a non-citizen, February 21, 1901, and as a result of this marriage Ethel McCann was born, on January 26, 1902. Josie C. McCann is identified upon the 1880 authenticated Cherokee roll as Josephine Barber.

You found in your decision of June 1, 1903, in the case,

-2-

that Jessie C. McCann, having elected to be enrolled as a Creek citizen, is not entitled to be enrolled in the Cherokee Nation; that "Ethel McCann as a citizen by blood of the Cherokee Nation," should be enrolled in that Nation.

The nation protests against your decision, so far as Ethel McCann is concerned.

Reporting in the matter March 28, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be concurred in.

Following the action of the Department of May 14, 1904, in the similar case of Rosalie Miles et al., your decision is affirmed as to Jessie C. McCann, and reversed as to Ethel McCann, neither party being entitled to enrollment in the Cherokee Nation.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos Ryan,

Acting Secretary.

1 inclosure.

1009

COMMISSIONERS

JAMES DIXBY
THOMAS B. NEEDLES
W. H. HRECKENRIEDER

WM. H. HEAL
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REPORT IN REPLY TO THE FOLLOWING

Cherokee D-688.

ATTENDING ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 25, 1904.

W. W. Hastings,

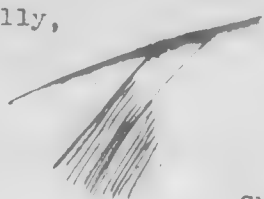
Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated June 1, 1903, granting the application for the enrollment of Jennie Murrell Miles and rejecting the application for the enrollment of Rosalie and Louisa Miles, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior as to Rosalie and Louisa Miles and reversed as to Jennie Murrell Miles, on May 14, 1904.

Respectfully,



Chairman.

mdg

COMMISSIONER
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

WM. D. BAILEY
CHIEF CLERK

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 3, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

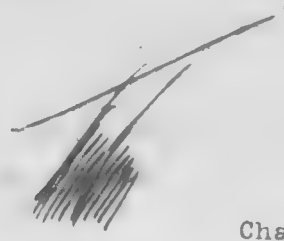
Dear Sir:

In accordance with your request of May 27, there is herewith enclosed copy of Departmental letter of May 14, together with copy of the Assistant Attorney General's opinion of May 9, in the Cherokee case of William S. Miles et al. There are also enclosed for your information copies of Departmental letters as follows:

March 28, Josie C. McCann et al.,
March 26, Nannie E. Chambers et al.

The questions treated in the two last named letters are identical with that in the case of William S. Miles et al.

Respectfully,



Enc. D-4.

Chairman.

William S Miles

- 1 Original testimony, Oct. 24, 1900
- 2 Memo. of application
- 3 Supplemental testimony, Nov. 1, 1900
- 4 Marriage license & certificate of marriage
- 5 Memo. of Probate court
- 6 Notice of final consideration, 2/7/02
- 7 Self

Receipt for testimony

Supplemental testimony & order of probate court, 2/7/02

Chas. H. Miles

OCT 26 1907

Cher D 689

Cher D 689

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CLAREMORE, I.T., OCTOBER 24th, 1900.

In the matter of the application of Robert E. Trimble for enrollment as a citizen of the Cherokee Nation; said Trimble being sworn and examined by Commissioner Breakinridge, testified as follows:

- Q Give me your full name? A Robert E. Trimble.
Q How old are you? A 72.
Q What is your post office? A Alluwee.
Q Do you live in Cooweescoowee district? A Yes, sir.
Q Who is it you want to have put on the roll? A Myself.
Q Are you Cherokee by blood? A White man.
Q You were married to a Cherokee woman? A Married to a Cherokee woman in 1880.
Q Is she dead? A Yes, sir.
Q When did she die? A 1881.
Q What was her name? A Mary A. Trimble.
Q Have you lived in the Cherokee Nation ever since you married her?
A No, sir.
Q How long have you been living here? A 25 years.
Q Have you been living here for 25 years? A Yes, sir.
Q You lived with your wife until she died? A Yes, sir, what time I was there; I was not there all the time.
Q Have you been living in the Cherokee Nation since six years previous to your wife's death? A Yes, sir.
Q And was living together previous to that death? A Not all the time.
Q Are you on the roll of 1880? A I do not know whether I am or not. It was all right then. I do not know whether she put me on the roll or not.
Q You lived with her all the time the six years previous to her death? A No, sir, I was at her burying and helped take care of her all the time.
Q Did she leave you or you leave her? A There was no leaving down. I was off tending to business. She wanted me to kill a fellow and I did not want to do it. I did not feel disposed to do it.
Q The result was that the last few years of her life you never lived together? A She says you can't live with me, and made me a bed in the corner and I never kicked about it.
Q Why did not you put yourself on the roll? A I never went to.
Q You were here at that time? A Yes, sir.
Q Did you make any application at all to be put on the roll? A No, sir.
Q Were you approached in any way to be put on the roll? A No, sir.
Q You did nothing yourself? A No, sir, I left that to her.
Q Have you married since your wife's death? A No, sir. I never was married but once.
Q Was she ever married except to you? A No, sir.
1880 Roll; page 189, #2931, Mary A. Trimble, Cooweescoowee.
1896 Roll; page 327, #1040, Robert A. Trimble, Cooweescoowee.
The following note appears on the record with his enrollment:
"Husband of Mary Trimble, probably dead, no such name on the roll."

By JOEL L. BAUGH, Cherokee Representative.

- Q Where was you at in 1880? A I do not know, that is further back than I can recollect.
Q 20 years ago? A I was in Texas.
Q How do you account for your name not being on the roll of 1880 with your wife? A I can't hardly account for it unless she neglected to put it on. I told her to tend to the citizenship business. I never went about it.
Q You stated a while ago that you and her had separated was that about the time? A No, sir, we never separated. She went away from me but she kept everything.

Robert E. Trimble--2.

I turned over all my effects to her and went off tending to other business. I was horse racing.

By Com'r Breckinridge:--

Q You stated a while ago that you were here in the Cherokee nation in 1880? A Yes, sir.

Q You stated just now to Mr. Bushy that you were in Texas in 1880, now which is correct? A I do not know which is correct. I believe I am mistaken about me being in Texas. I believe I was right out there horse racing.

Q Did you spend a good of time in Texas? A No, sir, not a great deal. I have been here for 25 years, most all the time.

Q Where have you been going when you went out? A Texas is the only place. I went to Texas after cattle.

Q Do you want to introduce any testimony? A I would like to introduce Judge Starr and Clem Rogers, I just want their statements about what they knew about me.

WATT STARR, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your name? A Watt Starr.

Q What is your age? A 65.

Q What is your post office? A Claremore.

Q How long have you lived in the Cherokee nation? A 52 years.

Q Do you know Mr. Trimble here, the applicant? A Yes, sir.

Q He is a white man is he? A Yes, sir.

Q Do you know his wife? A No, sir, I did not know her.

Q Did you know anything about the relations that existed between them as man and wife? A No, sir. I knew his family and children.

Q You know nothing about the relations that existed between him and his wife? A No, sir.

Q How long has he been living continuously in the Cherokee nation? A He has been here since 1875/ I got acquainted with him in '75, and I have not missed him out of the nation.

Q Has he been voting in the elections here? A Yes, sir.

Q Permitted to exercise the rights of Cherokee citizens? A Yes, sir.

C. B. ROGERS, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your name A C. B. Rogers/

Q Your age? A 61.

Q Your post office? A Claremore.

Q How long have you lived in the Cherokee nation? A All my life.

Q Do you know Mr. Trimble here? A Yes, sir.

I have known him for

about 25 or 30 years.

Q Do you know anything about the relations that existed between him and his wife for the last few years of her life? A No, sir.

Q How long have you known him to be living here continuously in the Cherokee nation? A For about 25 years.

Q He has not been out of the Cherokee nation? A Only as training horses, he is a great horse trainer.

Q Has he voted here? A Yes, sir, he has been mixed up in politics here.

Q Do you know why he should have been left off the roll of 1880?

A No, sir.

Q He is a white man? A Yes, sir.

Robert E. Trimble--2.

Robert E. Trimble further testified:

Q You have not a marriage license and certificate to your Cherokee wife? A No, sir, it has been too long.

Q Where were you married to her? A State of Missouri, Taney County I was a Justice of the Peace, they did not get any license then.

Q Were you ever married under Cherokee law when you came back here?

A No, sir, I was told by Judge Rogers that I did not have to. I married her in 1850, and in 1851, I registered as an old Settler Cherokee.

Q You registered as an old settler Cherokee. A No, sir,

Q Your wife was? A Yes, sir.

Q Are you on any roll prior to 1880? A I do not know, sir.

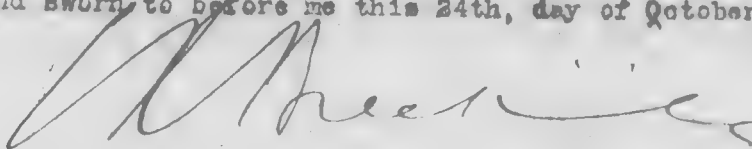
Com'r Breckinridge:--The applicant is identified on the roll of 1896 as an intermarried white. He states that he was married to his wife in 1850 in Missouri, and that neither of them were ever previously married. He came to the Cherokee Nation many years prior to 1880, and his wife lived until 1881. He states that he has not remarried since his wife's death. He is not identified on the roll of 1880, but his wife is identified on that roll. He appears to have lived in the Cherokee nation consistently for the past 25 years, but not for some years prior to the death of his wife, they did not live together as husband and wife, however, he states that they remained upon terms of friendly relations. It further appears that the applicant was married to his wife under United States law prior to his coming to the Cherokee nation, and he was never remarried to her after coming to the Cherokee nation. For the further consideration of his application he will now be placed listed for enrollment as a Cherokee by intermarriage upon a doubtful card, and the final decision of the Commission will be made known to him at his post office address.

---000000000---

J. O. Rossom, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rossom

Subscribed and sworn to before me this 24th, day of October, 1900.



Commissioner.

2689

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE UN-CIVILIZED TRIBES.

FILED
MAY 20 1902

Acting Chairman

RECEIVED MAY 20 1902
The following is a copy of the report of the
Commission to the Un-Civilized Tribes,
dated May 15, 1902, and is being
forwarded to the Department of the Interior.

The Commission to the Un-Civilized Tribes,
organized under the act of March 3, 1879,
has the honor to acknowledge the receipt of
your letter of the 10th inst., and in reply
to inform you that the same has been
forwarded to the Department of the Interior,
and that the Commission is now engaged in
the preparation of a report on the subject
of the Un-Civilized Tribes, and that the
same will be submitted to the Department of
the Interior as soon as possible.

R
C. D-649

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 7, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Robert M. Trimble for the enrollment of himself as a Cherokee citi-
zen.

Appearances:

W. V. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter
February 17, 1902, that his application for the enrollment of
himself as a citizen of the Cherokee Nation would be taken up
for final consideration by the Commission at its offices in
Muskogee, Indian Territory, on the 7th day of March, 1902, and
that on said date he might appear before the Commission either
in person or by attorney, when an opportunity would be given
him to introduce any further testimony affecting his case.
Receipt has been acknowledged of the Commission's letter, and
the applicant having this day, to-wit: the 7th day of March,
1902, been called three times, and failing to respond either
in person or by attorney, it is directed that this case be
closed and the same will be reported to the Commission for
final decision, based upon the evidence now of record.

I, M. D. Green, do hereby certify that as stenographer to the Commis-
sion to the Five Civilized Tribes I correctly recorded the testi-
mony and proceedings in this case and that the foregoing is a
true and complete transcript of my stenographic notes thereof.

M. D. Green

Cherokee D 689,
E.H.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

In the matter of the application of Robert A. Trimble for enrollment as a citizen by intermarriage of the Cherokee Nation.

RECISSION.

The record in this case shows that on October 24th, 1900 Robert A. Trimble appeared before the Commission at Claremore, Indian Territory and made personal application for enrollment as a citizen by intermarriage of the Cherokee Nation.

The evidence shows that the applicant is a white man. He is identified on the 1896 Cherokee census roll as an "adopted white" and his wife, Mary A. Trimble, a Cherokee by blood, is identified on the 1896 authenticated tribal roll of the Cherokee Nation as a "Native Cherokee."

The evidence further shows that the applicant was married to his said wife in Taney County, Missouri, in 1880, but that he was never married in accordance with the tribal laws of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the name of Robert A. Trimble is upon said 1896 census roll without authority of law and that his application for enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, under the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stat. 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tamc Dixby,

Acting Chairman.

T. B. Needles,

Commissioner.

C. L. Brownbridge,

Commissioner.

Muskogee, Indian Territory,

this

DEC 10 1902

COMMISSIONERS.
HENRY L. DAWES.
TAMM BIRBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 689.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 19, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

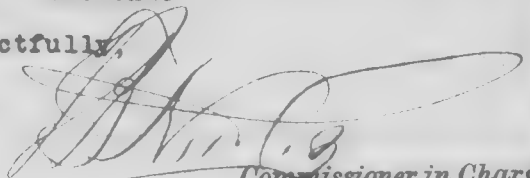
Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, rejecting the application of Robert E. Trimble for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Commissioner in Charge.
Acting Chairman.

Enclosure H. No. 349.

Land
76,077-1902.

(COPY)

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

WASHINGTON. February 9, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Albert E. Trimble for enrollment as a citizen by intermarriage of the Cherokee Nation.

On December 10, 1902, the Commission rendered a decision in the case finding that the applicant is a white man; that he is identified on the 1896 Cherokee census roll as an "adopted white"; that his wife, Mary A. Trimble, a Cherokee by blood, is identified on the 1880 authenticated tribal roll of the Cherokee Nation as a "native Cherokee"; that the evidence further shows that the applicant married his wife in Taney County, Missouri, in 1850, but that he was never married in accordance with the tribal laws of the Cherokee Nation, by reason of which facts the Commission find that his application for enrollment as a citizen by intermarriage should be denied under the provisions of section 21 of the Act of Congress approved June 28, 1896, (30 Stats., 495).

The office has examined the evidence in this case and finds that said facts set out by the Commission in its decision herein are in accord with the evidence submitted in behalf of the claimant and that under those facts the applicant is not entitled to enrollment as a citizen by intermarriage of the Cherokee Nation.

It is therefore respectfully recommended that the decision of the Commission be affirmed by the Department.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

(W.C.B.)

P.

D.C. 53191-1906.

(COPY)

Y.P.

DEPARTMENT OF THE INTERIOR

WASHINGTON.

FHE.

I.T.D. 1376-1903.
3302- "

November 30, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

February 9, 1903, the Indian Office submitted the papers in the matter of the application of Albert E. Trimble for enrolment as a citizen by intermarriage of the Cherokee Nation, and recommended that the decision of the Commission to the Five Civilized Tribes, adverse to the applicant, be concurred in. A copy of its letter is inclosed.

The name of Trimble's Cherokee wife is found upon the 1880 Cherokee roll as a native Cherokee. The evidence in the case shows that Trimble was married to her in Missouri in 1860, but not in accordance with the laws of the Cherokee Nation.

March 18, 1903, the Commission to the Five Civilized Tribes transmitted copies of certain laws of the nation relative to intermarrying of white men with Cherokee women.

Finding no reason to disturb the decision of the Commission, it is affirmed.

The papers in the case have been sent to the Indian Office.

Respectfully,

Through the Commissioner
of Indian Affairs.

(Signed) Thos. Ryan,
First Assistant Secretary.

1 inc. and 4 to Ind.Of.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
D 669

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 13, 1906

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated December 10, 1902, refusing the application of Robert E. Trimble for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department on November 30, 1906.

For your information a copy of the departmental decision referred to is herewith enclosed.

Respectfully,

Encl. B-70

Commissioner

IN THE MATTER OF THE APPLICATION OF

Robert E. Trimble

FOR ENROLLMENT AS

CHEROKEE CITIZEN

FEB 28 1902

James H. ... according to ...

Robert E. Trimble

A. Original testimony. Oct 24-1900

B. Memo. of application. Oct 24-1900

C. Notice of final consideration, 3/7/02

D. Order closing testimony 3/7/02.

OCT 26 1907

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2690

DEPARTMENT OF THE INTERIOR
DIVISION TO THE FIVE CIVILIZED TRIBES

FILED
MAY 20 1902

THE CHAIRMAN

W. D. Green, Chairman, Five Civilized Tribes
Proceedings in the case of the Five Civilized Tribes
to be held at the Five Civilized Tribes Agency, Oklahoma
Territory, on the 20th day of May, 1902.

W. D. Green

Applicant's wife DOUBTFUL:

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHARLOTTE, N.C., OCTOBER 24th, 1900.

In the matter of the application of William H. Russell for the enrollment of himself, wife and child as citizens of the Cherokee Nation; said Russell being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:

- Q Give me your full name? A William H. Russell.
Q How old are you? A 52.
Q What is your post office? A Welch.
Q In what district do you live? A Delaware.
Q Who is it you want to have put on the roll? A Myself wife and one child. My wife is not Cherokee.
Q When did you marry her? A 1861.
Q Are you Cherokee by blood? A Yes, sir.
Q Your wife is a white woman is she? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I lived here ever since, I lived here in 1875, 1876 and 1877.
Q And then you went out? A Yes, sir.
Q Were you admitted? A Yes, sir.
Q When were you admitted? A 1887.
Q Have you lived here ever since? A Yes, sir.

Com'r Breckinridge:—The applicant presents a duly authenticated certificate of admission to Cherokee citizenship, showing that on Sept. 21, 1887, certain persons were admitted to citizenship, and among them there appears the name of William H. Russell. (Q That is your name is it? A Yes, sir.) This is recognized as official evidence of the applicant's admission at the time stated, and the document is returned to him.

- Q Now give me the name of your wife, please? A Mary Russell.
Q How old is she? A 55.
Q When did you marry her? A Married in 1861.
Q Were you ever married except to this wife? A No, sir.
Q Was she ever married except to you? A No, sir.
Q Have you and she lived together as husband and wife ever since you were married? A Yes, sir.
Q Have you a certificate of marriage? A No, sir, I have not.
Q Give me the name of your child? A Ed W.

Com'r Breckinridge:—The applicant presents a duly authenticated certificate, the one just cited, containing also the name of Ed W. Russell, age at that time two years: (Q This is the name of the child for whom you now apply is it? A Yes, sir.) This is recognized as official evidence of the admission of the child, as just cited.

- Q He is 15 years old now is he? A Yes, sir.
Q He is living at this time? A Yes, sir.
Q You were married to your wife previous to your admission here as a Cherokee citizen? A Yes, sir.
Q Were you remarried to her after you were admitted? A No, sir.
Q Have you someone here who knows that you and your wife have lived together as man and wife? A Yes, sir.

CHARLES M. BEAVERS, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give your full name there? A Charles M. Beavers.
Q How old are you? A 35.
Q What is your post office? A Charlotte.
Q You live in Cowassee district do you? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Since 1871.
Q Do you know Mr. Russell the applicant here? A Yes, sir.

William H. Russell

- Q Do you know his wife? A Yes, sir.
Q What is her name? A Mary.
Q How long have you known him as husband and wife? A Ever since
he came here.
Q How long has that been? A I suppose about 15 or 18 years.
Q You never knew of him having any other wife? A No, sir.
Q You never knew her having any other husband? A No, sir.
Q You do not live in that part of the country? A No, sir.
Q Did you and he used to live together, near one another? A Yes,
sir, in Canadian district.
1896 Roll; page 239, 43934, W. H. Russell, Coowasee.
1896 Roll; page 321, 4339, Mary Russell, Coowasee.
1896 Roll; page 239, 43935, Ed W. Russell.

- Q Now, Mr. Russell, your wife was not specially named in any certi-
ficate of admission to citizenship? A No, sir.
Q Your claim is then that she was admitted by the act that admit-
ted you? A Yes, sir.

Gen'r Breckinridge:—The applicant applies for the enrollment
of himself, his wife and one child. He is shown to have been ad-
mitted to citizenship by the Cherokee Commission in 1867. He states
that he has lived in the Cherokee Nation ever since his admission.
He is identified on the roll of 1896 as a Native Cherokee, and he
will be listed now for enrollment as a Cherokee by blood. His child
is shown to have been admitted with him. He is identified on the
roll of 1896. He is still a minor, is living in and will be list-
ed for enrollment as a Cherokee by blood.

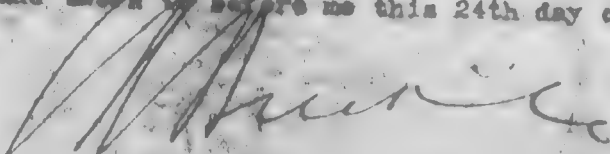
He states that he was married to his wife previous to his ad-
mission to Cherokee citizenship. They have never been remarried
within the Cherokee Nation. Neither were ever previously married.
She has lived with him ever since they were married and she is iden-
tified with him on the roll of 1896. For the further consideration
of the contention made by the Cherokee Representatives in such cases,
disputing the right of a wife under the circumstances states to enrol-
ment, the application for her enrollment will be placed upon a
DOUBTFUL CARD. She being classed as a Cherokee by adopted, and the
applicant will be informed of the final decision of the Commission
at his post office address. Her marriage to her husband is es-
tablished in a satisfactory manner by personal testimony in addition
to her being identified on the roll of 1896 with her husband and her
child, now 18 years of age.

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J. O. Rossen, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes, he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic notes
thereof.

J. O. Rossen

Subscribed and sworn to before me this 24th day of October, 1900.



Commissioner.

R

C. D-690

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 7, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Mary Russell for the enrollment of herself as a citizen of the
Cherokee Nation.

Appearances:

W. W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter
February 17, 1902, that her application for the enrollment of
herself as a citizen of the Cherokee Nation would be taken
up for final consideration by the Commission at its offices
in Muskogee, Indian Territory, on the 7th day of March, 1902.
And that on said date she might appear before the Commission
either in person or by attorney, when an opportunity would be
given her to introduce any additional testimony affecting her
application. She was further notified to supply the Commission
with a certificate of her marriage.

The applicant having this day, to-wit: 7th day of March,
1902, been called three times, and failing to respond either
in person or by attorney it is directed that the case be closed
and same will be reported to the Commission for final de-
cision based upon the evidence now of record.

I, M. D. Green, do hereby certify that as stenographer to the Com-
mission to the Five Civilized Tribes I correctly recorded the
proceedings in this case and that the foregoing is a true and com-
plete transcript of my stenographic notes thereof.

M. D. Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 22, 1902.

In the matter of the application of Mary Russell for
enrollment as a citizen by intermarriage, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

MARY RUSSELL, being sworn, testified as follows:

By the Commission,

- Q What is your name? A Mary Russell.
Q How old are you? A Thirty-eight.
Q What is your postoffice? A Prior Creek.
Q Are you a white woman? A Yes, sir.
Q Are you claiming the right to be enrolled as a Cherokee citizen by intermarriage? A Yes, sir.
Q What is the name of the husband through whom you claim citizenship? A Henry Russell.
Q William Henry Russell? A Yes, sir.
Q Is he living or dead? A He's living. Sitting there.
Q Is William H. Russell a Cherokee by blood? A Yes, sir.
Q How long has he been living in the Cherokee Nation? A Ever since 1886.
Q Was he admitted to citizenship? A Yes, sir.
Q In 1886? A '87.
Q And he has been living in the Cherokee Nation ever since? A Yes, sir.
Q When were you married to him? A 1881.
Q '81? A Yes, sir.
Q That was before he was admitted? A Yes, sir.
Q Where were you married? A In Georgia.
Q By a minister of the Gospel or whom were you married by? A Justice.
Q Justice of the peace? A Yes, sir.
Q Did you ever get a certificate of your marriage? A No, sir.
Q Did not the justice of the peace give you a certificate? A No, sir, I do not know that it was the custom to give certificates then.
Q Did you have a license? A Yes, sir.
Q What did you do with the license? A We returned it to the Court but he never give no certificate.
Q It probably was attached to the certificate. What county was that? A Dawson County.

You will be required to file certified copy of your certificate.

- Q Was William H. Russell your first husband? A Yes, sir.
Q Are you his first wife? A Yes, sir/
Q Have you and your husband been living together ever since your marriage? A Yes, sir.
Q Never been separated? A No, sir.
Q You're living together now? A Yes, sir.
Q Have you made your home in the Cherokee Nation ever since 1886? A Yes, sir.
Q Have you ever lived anywhere else? A No, sir.
Q Have you any children? A We have one.
Q Is it living? A Yes, sir.

- 2 -

Betta Chick, being first duly sworn, stated that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Betta Chick

Subscribed and sworn to before me this 24th day of November, 1902.

W. R. Reister
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee D-490.

In the matter of the application for the enrollment of
Mary Russell as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on October 24, 1900, William H. Russell appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment, among others, of his wife, Mary Russell, as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 22, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that Mary Russell was lawfully married on January 2, 1861, to William H. Russell, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on September 21, 1867. The Cherokee Supreme Court, in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson, held that a white woman, married to a Cherokee Indian at the time of his admission to citizenship, acquires thereby the rights of Cherokee citizenship. The said Mary Russell is identified on the Cherokee Census Roll of 1896.

The evidence further shows that the said Mary Russell has lived continuously in the Cherokee Nation with her said husband since 1867, up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Mary Russell should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1896, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

James Birney

Acting Chairman.

T. E. Needham

Commissioner.

C. H. Brookinridge

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB -1 1903

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-690.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 2, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of William H. Russell for the enrollment of his wife, Mary Russell, as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. H-2.

IN THE MATTER OF THE APPLICATION OF

Mary Russell

FOR ENROLLMENT AS

CHEER

FEB 28 1902

married to me
and in a
certain

16
Held for evidence

Mary Russell

A. Original testimony. (let 24-1900)

B. Prep. of a pplication. (let 24-1900)

C. Notice of final consideration, 3/7/02

D. Order closing testimony 3/7/02

See Churoku jacket 4862.

M. J. J.

Cher D 611

Cher D 691

269

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 24 1900

ACTING

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I.T., October 24, 1900.

In the matter of the application of Delilah E. Foreman for enrollment as a Cherokee by blood, being sworn and examined by Commissioner Needles, she testified as follows:

- Q What is your name? A Delilah E. Foreman.
Q How old are you? A 18.
Q What is your post office address? A Claremore.
Q What district do you live in? A Cooweescoowee.
Q Who do you want to enroll? A Just myself.
Q Are you married? A Yes, sir, I have been.
Q What is your husband's name? A Henry Foreman.
Q Are you a citizen by blood? A Yes, sir.
Q What was your father's name? A Horace Fleetwood.
Q Is he living? A No, sir.
Q What is your mother's name? A Nancy Fleetwood.
Q Is she living? A No, sir, she is dead.
Q You living with your husband? A No, sir.
Q What district do you live in 20 years ago? A Cooweescoowee.
Q Always lived in Cooweescoowee district? A Yes, sir.
Q Do you know how you happen to be a citizen? A Yes, sir,
rights and I was born and raised here.
Q When did you prove your rights, in 1896? A I can't tell you
that.
Q You say your father isn't living? A No, sir.
Q And your mother? A No, sir, they are both dead.
Q When did your father die? A He died when I was a little girl.
Q When did your mother die? A Last winter was a year ago.
Q Was Eljerri Fleetwood any relative of yours? A He was my uncle.
Q When were you married to Foreman? A Three years ago.
Q What was your mother's name in 1896, you say she married again?
A Smith.
Q What was your husband's name? A Henry Foreman.
(On 1896 roll, page 163, No. 1884, Delilah Fleetwood, Cooweescoowee
district.)

The name of Delilah E. Foreman appears upon the census roll of 1896 as Delilah E. Fleetwood, her maidenname. She avers that she was married to one Henry Foreman, since the year 1896. Her name is not found upon the authenticated roll of 1880, neither is the name of her father nor her mother, and no record can be found as to their admission. Consequently final judgment as to the enrollment of said Delilah E. Foreman will be suspended and her name will be placed upon a doubtful card.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 24th of October, 1900.

[Signature]

Commissioner.

File with Delilah Foreman, C. D-691.

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I.T., October 24, 1900.

In the matter of the application of Rebecca Josephine Hornbuckle for the enrollment of herself and three children as Cherokees by blood; being sworn and examined by Commissioner Needles, she testified as follows:

- Q What is your name? A Rebecca Josephine Hornbuckle.
Q How old are you? A 22.
Q What is your post-office address? A Claremore.
Q What district do you live in? A This one, Cooweescoowee.
Q Are you a recognized citizen by blood? A Yes, sir, I always claimed to be.
Q Who do you want to enroll? A Myself and three children.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Hornbuckle.
Q What was your father's name? A Miles Fleetwood.
Q What is your mother's name? A Nancy Fleetwood.
Q They living? A No, sir, both dead.
Q When did you marry? A I have been married 4 years the 4th day of 1st February.
Q What is your husband's name? A Henry Hornbuckle.
Q What are the names of your children? A The oldest one is named Nancy Gertrude Fleetwood, 7 years old.
Q The name of the next child? A Lee Miles Hornbuckle, 3 years old.
Q The name of the next one? A Viola Elizabeth, 7 months old.
Q Have you any proof of her birth? A Yes, sir, I have one drawn up younger, my husband has got it.
Q Are you on the roll of 1880? A I guess so, all my folks was and I drew the 1880 payment.
(On 1896 roll, page 163, No. 1836, Rebecca J. Fleetwood, Cooweescoowee District.)
Q You say you were married 4 years ago? A Yes, sir.
Q And you have got a child 7 years old? A I have registered for her Fleetwood.
(Nancy G. Fleetwood of 1896 roll, page 163, No. 1837, Cooweescoowee district.)
Q Where were you born? A In Tahlequah District.
Q Have you always been born and raised in the Cherokee nation?
A Yes, sir, I have never been out.
Q Have you got any proof of birth of these two younger children?
A I have got one, but I haven't got it with me.
Q Have you got any certificate of anything of your admission? A No sir, we got certificates from our mother's payment, but we didn't get one for that one, but we drew all right.
Q The question is whether you have ever been recognized by the Court of Commission as a citizen? A It don't make any difference to me, I don't care whether I get on or not, I am not going to pay out anything to have it fixed up; they have always told me they had the rights all settled and fixed up.

The name of Rebecca J. Hornbuckle is found upon the census roll of 1896 as Rebecca J. Fleetwood. The name of her child, Nancy C., is found upon the census roll of 1896. She avers that she was married to one Henry Hornbuckle about four years ago. Her name, neither that of her father nor mother, is not found upon the authenticated roll of 1880. No proof is presented to the Commission as to her being a recognized citizen of the Cherokee Nation. She has no satisfactory proof as to her residence. She avers that she has two children not upon the roll of 1896, named Lee M. and Viola E., but presents no proof of birth of said children. By reason of her name not being found upon the authenticated roll of 1880, nor any proof of her admission or recognition as a Cherokee citizen by blood, final judgment as to the enrollment of said Rebecca J. Hornbuckle and her children mentioned herein will be suspended and their names

will be placed upon a doubtful card. The applicant presents proof of birth as to her youngest child, Viola E.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 24th of October, 1900.

(signed) Bruce C. Jones.
(signed) C. R. Breckinridge,
Commissioner.

S U P P L E M E N T A L D 1902.

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I.T., November 8th, 1900.

In the matter of the application of Rebecca J. Hornbuckle for the enrollment of herself and three children, as Cherokee citizens. She being sworn testified as follows before the Commission-

- Q "What is your name? A Rebecca J. Hornbuckle.
Q What is your age? A 22.
Q What is your post-office address? A Claremore.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee nation? A Yes sir.
Q By blood? A Yes sir.
Q Who do you want to have enrolled? A Myself and three children.
Q What is your father's name? A Miller Fleetwood.
Q Is he living? A No sir.
Q What is your mother's name? A Nancy McAllister.
Q Is she dead? A Yes sir.
Q What are the names of your children? A Nancy G. Fleetwood.
Q How old? A 7 years old.
Q What is the next one? A Lee Miles Hornbuckle, age 3 years.
Q What's the next one? A Viola E. Hornbuckle.
Q How old? A 7 months.
Q Is your husband living? A Yes sir.
Q Are you living with him? A Yes sir.
Q Is he here? A Yes sir.
Q Does he want to be enrolled? A I guess so.
Q When did you marry him? A 5 years ago on the 16th day of Feby.
(HERE APPLICANT'S HUSBAND COMES UP AND HE STATES THAT HE WAS MARRIED IN 1896, TOO LATE TO BE ENROLLED AS AN INTER-MARRIED CHEROKEE.)
Q Is your name on the 1890 roll? A I reckon it is.
Q Is Mr. Hornbuckle your first husband? A Yes sir.
By Mr. Hastings, Cherokee Representative:
Q Did you apply to the Dawes Commission in 1896? A I never, my mother did, she enrolled for us all.
Q What is her name? A Nancy Smith.
Q Did she apply to the Dawes Commission 4 years ago? A Yes sir.
Q What is your mother's middle name? A Josephine.
Q Where were you born? A In Tahlequah District.
By Commissioner Q. Did you have any relations named Mathews?
A Not as I know of.
1894 roll, page 1163, No. 3058, Rebecca Fleetwood, Tahlequah District.
Q Have you any papers to show that you were admitted by the Dawes Commission or the Cherokee authorities as a citizen? A Nothing but what my mother had of her mothers.

Applicant presents certificate signed by W. H. Mayes, assistant Executive Secretary of the Cherokee nation, certifying dated at Tahlequah, May 27th, 1892, and under the seal of the Cherokee nation, certifying that among others that one Rebecca E. Fleetwood's name ap-

appears on the census roll of Illinois District as a Cherokee by blood. Said certificate is filed with the papers in this case.

You must make satisfactory proof as to your being admitted by the commission to the Five Civilized Tribes or by the lawfully constituted authorities of the Cherokee Nation.

Neither your name nor the name of your mother appears on the 1880 roll. Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes in said proceedings.

(signed) Chas. von Weise.

Subscribed and sworn to before me this 9th of November, 1900.

(signed) T.B. Needles,
Commissioner.

Supl. C. D. #692.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 22nd, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
REBECCA J. HORNBUCKLE, ET. AL., as citizens of the Cherokee Nation,
introduced on part of the applicants:

APPEARANCES:

Mr. I.P. Bledsoe, agent for applicants;
Mr. J. L. Baugh, of representatives for Cher. Nation.

J.W. McALESTER, being duly sworn, testified as follows on part of applicant:

BY THE COMMISSION: What is your name? A J.W. McAlester.

Q How old are you? A 54 years old.

Q What is your post office address? A (Chouteau.)

MR. BLEDSOE: Mr. McAlester, are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Upon the 1880 roll? A Yes, sir.

Q When were you admitted to the Cherokee Nation? A In '71 I think, or '72.

Q Who were admitted with you at that time? A Well Peter McAlester and family.

Q I want them by name, Peter McAlester, what relation was he to you? A Father.

Q What was your mother's name? A Rebecca.

Q And what was your name, you were admitted, what was your name? A J.W.

Q And Mrs. Stones name? A Elizabeth Emily.

Q Elizabeth Emily what? A McAlester.

Q What was Mrs. Hornbuckle's name at that time? A Nancy McAlester.

Q Did she have any middle name? Wasn't it Nancy Josephine? A I believe it was.

Q That constituted the body of people that was admitted at that time? A Well, there was four children and my father and mother.

Q Who were the others that were admitted? A They were-

Q Did you have a brother Henry that was admitted? A Yes, sir.

Q What was his name? A James Henry McAlester.

Q And who had charge of that court, Council? A Johnson Foreman. was prosecuting attorney and one of the witnesses for the family.

Q Do you know whether that admission was confirmed by the Supreme court of the Cherokee Nation or not? A Yes, sir.

Q In what year? A '71 or 2 in the Supreme Court.

Q It was the next year after your admission? A Yes, sir.

Q Now, do you know whether this Nancy Josephine, the mother of these children, has remained in the Cherokee Nation from that time

up to this, or up to her death? A No, I don't think she has been in it all the time, Mr. Medsco, I think she was out a while and back a while and first one place and another in the Nation; down on Lees Creek and up on Honey Creek.

Q But that is all in the Cherokee nation? A Yes, sir.

Q That is what I mean, inside of the Nation? A I don't think she was out of the Nation; that is, long at a time; she might have been out some of the time.

Q She always made this her home here? A Yes, sir, this was the only place she could call home.

Q She was a McAlester, as I understand it, and afterwards married a Fleetwood? A Yes, sir.

Q And this Rebecca is a child of Fleetwood? A Yes, sir.

Q What other children did she have by this man Fleetwood? A I don't know of but just the three.

Q Well, name them, -- Nancy, Rebecca was the oldest one; what was the next one? A Delilah.

Q What is her name now? A Foreman I reckon so.

Q What is the youngest child's name? A Lucinda.

Q Lucinda what? A Fleetwood.

Q But, well, what is she it now? A Hornbuckle.

Q Those are the three children? A Yes, all I know anything about.

Q Are these children still alive? A Yes, sir.

Q Living in the Cherokee Nation? A Yes, sir.

Q They have been living here all the time? A Yes, so far as I know they have been here all their lives.

COMMISSION: Is this Rebecca Hornbuckle a relative of yours?

A She is supposed to be a niece.

Q Where was she born? A She was born somewhere here in the Nation.

Q Have you known her continuously since her birth; that is, have you seen her continuously since that time? A Well, from three or four years I have seen them; of course I haven't seen them all the time.

Q How long has her mother been dead? A For about two years I reckon last January.

Q Was her mother admitted to citizenship in the Cherokee nation?

A Well, we was all admitted at the same time; she was the baby child of Peter McAlester's family.

Q That is her mother was a child of Peter McAlester? A Yes, sir.

Q Was her mother ever recognized as a citizen? A Well, I don't know that her name was specified or not; it just said Peter McAlester and family.

Q Do you know whether this Rebecca Josephine Hornbuckle, the mother, was ever placed upon any of the tribal rolls? A No, I don't know.

Q But she always lived here in the Cherokee nation? A Yes, sir.

Q Ever move out? A I don't know whether she was ever out or not; she was out a little while before she married.

Q That is Nancy? A Yes, sir.

Q How long ago was that? A '74 I reckon.

Q How long did she remain away from the nation? A Three, four, five months I reckon.

Q Where did she go to? A Up here in Missouri.

Q Did she then come back to the Cherokee nation? A Yes, sir.

Q Did she live here from that time? A On up to her death?

A Well, she lived here all the time after she married Fleetwood.

MR. BAUGH: By what Commission did you say you were admitted to citizenship? A It was the council of '71 I reckon.

Q And who did you say was the Prosecuting attorney of the council at that time? A Johnson Foreman.

Q Did the council have a prosecuting attorney in cases of citizenship? A The Supreme Court had it.

Q The Supreme Court had a Prosecuting Attorney in 1870? A Yes, sir, I think so.

Q Now, isn't it a fact that in 1870 the supreme Court was authorized to take evidence in cases is all? A I don't know.

Q And it was also authorized by the same Act, instructed by the same act, to report their findings to the Council for their action; was this done in your case? A Well, there was no one case specified.

Q Now, in 1870, did the Cherokee National Council pass an act admitting your folks to citizenship? A I don't know whether it was '71 or '72, Joe.

A Well, did they ever? A Yes, sir.

Q Can you find a record of that? A I have got it at home.

Q Why didn't you bring that? A I didn't know it was necessary; I didn't know I had any right to make.

Mr. Baugh: Now comes the Cherokee Nation by its representatives and moves to strike out the evidence of J.W. McAlester for the simple fact that the records of the best evidence in this case.

Commission: The objection will be noted.

MR. BLEDSOE: How old was Mrs. Fleetwood, or Nancy J. McAlester, the mother of these children when you all were admitted?

A Well, she was born June, '31, and she came here in 1869.

Q Make her about eight years of age at that time? A She was about eight or nine years old at the time.

MR. BAUGH: She was a full sister of yours? A As far as I know she was; there was just four of the children, me and Henry and this one and Nancy, that I knowed anything about.

ELIZABETH EMILY STONE, being duly sworn, testified as follows, on part of applicants:

COMMISSION: What is your name? A Elizabeth Emily Stone.

Q How old are you? A I will soon be 45.

Q What is your post office address? A Pryor Creek.

MR. BLEDSOE: Do you know when you were admitted to the Cherokee Nation as a citizen? A I think it was in '71, as well as I remember; I was small then.

Q Do you know who was admitted at the same time that you were?

A The whole family, my mother and father.

Q I want their names? A Peter McAlester, Rebecca McAlester and John.

Q Who was your mother? A Rebecca McAlester.

Q Now, the oldest brother? A John Wesley McAlester, James Henry McAlester, Elizabeth Emily McAlester, that is myself, and Nancy Josephine McAlester, that is my sister.

Q Nancy Josephine McAlester is the mother of these children here?

A Yes, sir.

Q Rebecca and Lucinda and Delilah Hornbuckle? A Yes, sir.

Q And where is the mother of these children now, is she dead or alive? A She is dead.

Q When did she die? A She has been dead I think about two years, maybe a little over two years, be two years next spring, or three years next spring.

Q Were you living near her in 1880? A Yes, sir.

Q In what district were you living? A Delaware.

Q In the Cherokee nation? A Yes, sir.

Q Were you put upon the 1880 roll? A Yes, sir.

Q And was she put upon that roll? A Yes, sir.

Q Who put you all upon that roll? A Joe Thompson and Joe Muskrat.

Q They are both alive I suppose? A Yes, sir.

Q Do you know why her name does not appear upon the 1880 roll now?

A No, sir, I don't; I can't account for it.

Q Your name is upon that roll? A Yes, sir.

Q Do you know whether Nancy Jane McAlester of Fleetwood, remained in the Cherokee nation since that time? A Yes, sir.

MR. BAUGH: Under what name were you enrolled in 1880?

A Marian.

Q Was J.H. McAlester a brother of yours? A Yes, sir.

Q Where did he live in 1880? A He lived in Tahlequah district.

A. H. McAlester, did you say?

Q Yes, madam? A That would be weny's initial.
 Q That would be John H. I guess? A James Henry's.
 Q What district did he live in 1880? A I can't tell you, I don't know where he did live at.
 Q Do you know who placed him on the rolls? A No, sir, I don't.
 Q How long did your sister, Nancy, live in Delaware district?
 Q Well, she lived there two or three years, and sometimes she was move off and come back and stay a year or so at the time.
 Q Where was she married to Fleetwood? A In Tahlequah district.
 Q Did she live then in Tahlequah district, after that all the time? A No, not all the time she didn't.
 Q Where was she living in 1896? A I think she was living in Coowescoowee.
 Q Where had she been living prior to 1896? A I think she come from Illinois district up here; she just moved around and about, I never could hardly keep track of where she was living all the time.
 COMMISSION: Was your name included in the certified issued by the Council on citizenship admitting your father to citizenship in the Cherokee nation? A Yes, sir.
 Q Your name was mentioned? A Yes, sir.
 Q Was your sister's name mentioned in there? A Yes, sir.
 Q Have you that certificated? A The court has got it here; when I enrolled at Pryor Creek and after my last girl come down to enroll at Claremore, they took my paper that I had; I went to Missouri and stayed two years and when I come back I applied for citizenship and in and I got my paper.
 Q Your sister didn't apply for citizenship at that time, did she?
 A I don't know; she didn't stay all up there but a little while.
 Q Her name wasn't mentioned in the certificate that admitted you to citizenship? A No, sir.
 MR. BAUGH: When you and your sister went to Missouri who returned first? A She did.
 Q How long did you remain out? A I stayed there about three years.
 Q Do you remember about what length of time your sister stayed there? A I don't think she was there more than eight or nine months.
 Q What part of Missouri? A In Joplin, Missouri.
 COMMISSION: How long ago was that? A That has been about 28 or 9 years.
 MR. BAUGH: Was your sister married at that time? A No, sir. she was a little girl.
 MR. BLEDSON: She was a minor at that time? A Yes, sir.

Commission: There is offered in evidence by the agent for the applicant a Cherokee marriage license issued by Joe M. Lahay, Clerk of Coowescoowee district, Cherokee nation, on the 12th day of February, 1896, authorizing the marriage of Weny Hornbuckle and Miss Rebecca Fleetwood. No certificate of marriage is attached to the marriage license.

MR. BAUGH: Was your mother a Cherokee woman or white woman?
 A She was Cherokee.
 Q You derive your Cherokee blood from your mother? A Yes, sir.
 Q Your father was a white man? A Yes, sir, my grand mother was a Kell.

Commission: This testimony will be made part of the record in the case of Lucinda Hornbuckle, D#693, and in the case of Delilah Foreman, D#691.

J.O. Rossen, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.
 (signed) J.O. Rossen.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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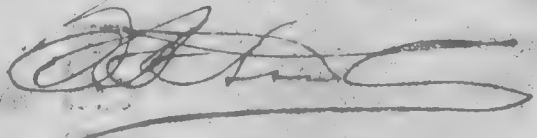
ACTING COMMISSIONER

Subscribed and sworn to before me this October 26th, 1901.
(signed) T. B. Needles,
Commissioner.

M. D. Green, being first duly sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he made the foregoing copy
and that same is a true and complete copy of the original transcript.

M. D. Green

Subscribed and sworn to before me this December 10, 1901.



Commissioner.

COMMISSION TO THE FIVE CIVILIZED TRIBES
RECEIVED IN THE DEPARTMENT OF THE INTERIOR
OCT 27 1901

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OCT 27 1901

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U. S. DEPARTMENT OF JUSTICE
DIVISION OF INVESTIGATION
WASHINGTON, D. C.
MAR 31 1902

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., March 7, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Delilah E. Foreman for the enrollment of herself as a Cherokee citizen.

Appearances:

I.P. Bledsoe, Chouteau, I. T., as agent for applicant;
W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 17th, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskegee, Indian Territory on the 7th day of March, 1902; applicant this day, to-wit: the 7th day of March, 1902, appears by her agent, I.P. Bledsoe.

In the matter of the application of Rebecca J. Hornbuckle, for the enrollment of herself and children as Cherokee citizens, D-692.

BY COMMISSION: The applicant was notified by registered letter February 17th, 1902, that her application for the enrollment of herself and children would be taken up for final consideration by the Commission at its offices in Muskegee, Indian Territory on the 7th day of March, 1902. Receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: the 7th day of March, 1902, appears by her agent, I.P. Bledsoe.

In the matter of the application of Lucinda Hornbuckle for the enrollment of herself and child as Cherokee citizens;

BY COMMISSION: The applicant was notified by registered letter February 17th, 1902, that her application for the enrollment of herself and child as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskegee, Indian Territory on the 7th day of March, 1902; receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: the 7th day of March, 1902, appears by her agent, I.P. Bledsoe.

L.B. BELL, being first duly sworn and being examined testified as follows:

BY MR. BLEDSOE:

Q What is your name? A L. B. Bell.

Q How old are you? A Vinita, 64.

Q What position do you occupy now in the Cherokee Nation? A I am attorney for the Cherokee Nation in the matter of this Freedman enrollment down here in the Creek nation.

Q You are a Cherokee citizen by blood? A Yes.

Q How long have you lived in the Cherokee Nation? A Well I reckon 64 years.

Q Do you know anything about the act of 1882, passed by the National Council; if so, state what you know in regard to that act?

A I rather think that you would get at it better by getting the law book.

BY MR. HASTINGS:

If that is what you are going to prove I shall object to it.

Q You knew anything about the bill, Mr. Bell, that was passed in

1882? A -

BY MR. HASTINGS: I am going to object to that, because the law is the best evidence, and we will have to go not by man's memory, but in accordance with the law.

A The general custody of these laws are in the Executive Office and I presume you could get it there.

Q I will ask you if there was any one put upon that roll of 1892 except Cherokee citizens by blood?

A Well I don't know a thing in the world about that except myself and a few others on the roll.

Q Were you at the National Council in 1882, or a member of that Council, or knew anything about its acts? A I think that bill was dated 1883; I was not there when it was passed.

Q The payment was in 1883 and the bill was passed in 1882?

A You have not asked me anything on earth but what you could get better somewhere else.

BY BLEDSOE:

Reference is made by the agent for the applicant to the roll of 1883, Delaware District, Cherokee Nation, and especial attention is called thereto to the name of Nancy J. Fleetwood, 2017, Rebecca J. Fleetwood, 2018 Lila E. Fleetwood, 2019, and reference is also called and special attention is called of the Commission to the act creating this Pay roll, 1882 National Council of the Cherokee Nation.

BY MR. HASTINGS: The Nation calls attention to the fact that the 1883 roll is not an authenticated roll, nor have the numbers as given by counsel for the applicant been introduced and made a part of the record in this case.

BY MR. BLEDSOE: The agent for the applicant introduces this evidence from the simple fact that there was none paid on that 1883 roll except Cherokees by blood; those that were recognized by the Cherokee authorities as blood citizens, the same being called ~~the~~ and termed "A Blood Bill". The negroes, Delawareans and Shawnees and whites that were residents of the Territory at that time afterwards had to enter suit and obtain their money through courts.

BY MR. HASTINGS: The agent for the applicant well knows that there has been no roll since 1880 that has been authenticated or a recognized roll of the citizens of the Cherokee Nation, and he knows that the roll of 1883 was not an authenticated roll, nor a recognized roll, binding upon the Cherokee Nation as to the citizenship of the persons whose names appear thereon.

BY COMMISSION: The agent for the applicant requests and will be granted ten days to file a brief in the case, one copy with the Commission and one copy with the representative of the Cherokee Nation. The agent for the applicant and the attorney for the Cherokee Nation submit the case; and same is deemed completed, and will be reported to the Commission for final decision based upon the evidence now of record.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D. Green

D. 601.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 17, 1902.

In the matter of the application of Delilah E. Foreman for enrollment as a citizen of the Cherokee Nation.

Applicant represented by I. P. Bledsoe, Agent, Chouteau, I.T.
Cherokee Nation represented by W. W. Hastings.

There is offered in evidence by the agent for the applicant a certificate from B. W. Alberty, Assistant Executive Secretary of the Cherokee Nation, as follows:

"McAllister Rebecca Dec. 15th 1870 entitled being Cherokee."
Executive Office Cherokee Nation,

Tahlequah, I. T.

I, B. W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the above is a true copy from the record made and kept in this office of persons admitted to citizenship since 1866 and prior to 1880; that said record is among the records of this Office and is in my legal custody. Given under my hand and the seal of the Cherokee Nation this the 12 day of March, 1902.

"SEAL"

B. W. Alberty,
Assistant Executive Secretary,
Cherokee Nation."

MR. HASTINGS: The representatives of the Cherokee Nation object to the introduction of this certificate because it does not show any connection whatever with the case in which it is offered as testimony. They did not claim that this woman is either of these applicants, or that she is the mother of either of them, and it is not shown that these applicants or their mother either, was ever admitted to citizenship in the Cherokee Nation; nor is it shown that if this is the grandmother of these applicants that her daughter, who was the mother of these applicants, was a minor in 1870, at the time she was rejected; and we think for that reason it is clearly inadmissible.

MR. BLEDSOE: The agent for the applicant states that the testimony in each of these cases shown that Peter McAllister, the husband of Rebecca McAllister, the woman, and father of these children's mother, was admitted to citizenship when these children's mother was nothing but a very small girl; and her name by some mishap was left off the 1880 roll while her brothers and sisters are upon the 1880 roll.

Arthur O. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 23rd day of April, 1902.

Arthur O. Croninger

[Signature]
Notary Public.

Cherokee D
691, 692, 693.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

JH

In the matter of the application for the enrollment of Delilah E. Foreman, Rebecca J. Hornbuckle, Nancy G. Fleetwood, Lee M., Viola E., Lucinda and Mamie P. Hornbuckle as citizens by blood of the Cherokee Nation.

D 691 Delilah E. Foreman.
D 692 Rebecca J. Hornbuckle et al.
D 693 Lucinda Hornbuckle et al.

DECISION.

The record in these cases shows that on October 24, 1900 Delilah E. Foreman appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment of herself as a citizen by blood of the Cherokee Nation; that on the same day and at the same place, Rebecca J. Hornbuckle appeared before the Commission, and made personal application for the enrollment of herself and her three minor children, Nancy G. Fleetwood, and Lee M. and Viola E. Hornbuckle, as citizens by blood of the Cherokee Nation; and that on the same day and at the same place Lewis J. Hornbuckle appeared before the Commission and made personal application for the enrollment of his wife, Lucinda Hornbuckle, and her minor child, Mamie P. Hornbuckle, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said applications were had at Claremore, Indian Territory on November 6, 1900, at Vinita, Indian Territory on October 22, 1901, and at Muskogee, Indian Territory on March 7, 1902 and April 17, 1902.

The evidence shows that Delilah E. Foreman, Rebecca J. Hornbuckle and Lucinda Hornbuckle are the children of Nancy J. Smith, now deceased; that the maiden name of Nancy J. Smith was Nancy McAlester, and that she married a man by the name of Fleetwood, and afterwards a man by the name of Smith. Nancy J. Smith is not identified on the 1880 authenticated tribal roll of the Cherokee Nation under any of the names here given. The evidence shows that she was the daughter of Peter McAlester and a sister of J. W. McAlester, who are identified on the 1880 authenticated tribal roll of the Cherokee Nation as Native Cherokees. The said Nancy J. Smith is identified on the 1883 Pay Roll of the Cherokee Nation, page 37, No. 2019, as Nancy J. Fleetwood.

Delilah E. Foreman is identified on the 1883 Pay Roll of the Cherokee Nation, page 37, No. 2019, as Lila Fleetwood. She is identified on the 1894 Pay Roll and on the 1896 Census Roll of the Cherokee Nation as a Native Cherokee.

Rebecca J. Hornbuckle is identified on the 1883 Pay Roll of the Cherokee Nation, page 37, No. 2018. She is also identified on the 1894 Pay Roll, page 1155, No. 3038, and on the 1896 Census Roll of the Cherokee Nation as a Native Cherokee.

Lucinda Hornbuckle is identified on the 1894 Pay Roll, page 1155, No. 3041, and on the 1896 Census Roll of the Cherokee Nation as a Native Cherokee.

The identifications here cited are given after an examination of the tribal rolls of the Cherokee Nation.

Nancy G. Fleetwood, the minor child of Rebecca J. Hornbuckle, is identified on the 1896 Census Roll of the Cherokee Nation. The minor children, Lee M., Viola E. and Mamie P. Hornbuckle, are too young to be on any tribal roll of the Cherokee Nation, but they are identified by birth affidavits on file with this Commission.

Cherokee D 691, 692, 693.

The evidence further shows that Delilah E. Foreman, Rebecca J. Hornbuckle and Lucinda Hornbuckle have resided in the Cherokee Nation all of their lives, and that they were residents of said Nation at the date of the application herein. The residence of the children is considered to be that of their mothers.

It is, therefore, the opinion of this Commission that Delilah E. Foreman, Rebecca J. Hornbuckle, Nancy C. Fleetwood, Lee M. Hornbuckle, Viola E. Hornbuckle, Lucinda Hornbuckle and Wamie F. Hornbuckle should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stat. 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

this

AUG 11 1902

SDV

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NERDLES
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 691, 692,
693.

ALLISON I. AYLESWORTH,
SECRETARY

Muskogee, Indian Territory, August 13, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 11, 1902, granting the application of Delilah E. Foreman, Rebecca J. Hornbuckle, Nancy G. Fleetwood, Lee M. Hornbuckle, Viola E. Hornbuckle, Lucinda Hornbuckle and Mamie F. Hornbuckle as citizens by blood of the Cherokee Nation.

This decision consolidates the applications of Delilah E. Foreman, Cherokee D 691; Rebecca J. Hornbuckle, et al., Cherokee D 692; and Lucinda Hornbuckle, Cherokee D 693.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 58.

IN THE MATTER OF THE APPLICATION OF

Delilah E. Foreman

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

FEB 28 1902

The application of
Delilah E. Foreman
is denied by the
Cherokee Nation.

~~Delilah E. Foreman~~

~~A. Original testimony Oct 24-1900~~

~~B. Memo of application Oct 24-1900~~

~~C. Receipt for testimony~~

~~D. Test from Rebecca H. Humberly~~

~~E. Notice of final consideration, 3/7/02~~

~~Copies~~

~~Sept 28 1901~~

~~Attest~~

Cher D 692

Cher D 692

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I.T., October 24, 1890.

In the matter of the application of Rebecca Josephine Hornbuckle for the enrollment of herself and three children as Cherokees by blood; being sworn and examined by Commissioner Headles, she testified as follows:

- Q What is your name? A Rebecca Josephine Hornbuckle.
Q How old are you? A 22.
Q What is your post office address? A Claremore.
Q What district do you live in? A This one, Cooweescoowee.
Q Are you a recognized citizen by blood? A Yes, sir, I always claimed to be.
Q Who do you want to enroll? A Myself and three children.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Hornbuckle.
Q What was your father's name? A Miles Hornbuckle Fleetwood.
Q What is your mother's name? A Nancy Fleetwood.
Q They living? A No, sir, both dead.
Q When did you marry? A I have been married 4 years the 4th day of last February.
Q What is your husband's name? A Henry Hornbuckle.
Q What are the names of your children? A The oldest one is named Nancy Gertrude Fleetwood, 7 years old.
Q The name of the next child? A Lee Miles Hornbuckle, 3 years old.
Q The name of the next one? A Viola Elizabeth, 7 months old.
Q Have you any proof of her birth? A Yes, sir, I have one drawn up yonger, my husband has got it.
Q Are you on the roll of 1889? A I guess so, all my folks was and I drew the 1890 payment.
(On 1889 roll, page 163, No. 1886, Rebecca J. Fleetwood, Cooweescoowee district.)
Q You say you were married 4 years ago? A Yes, sir.
Q And you have got a child 7 years old? A I have registered for him Fleetwood.
(Nancy G. Fleetwood on 1889 roll, page 163, No. 1887, Cooweescoowee district.)
Q Where were you born? A In Tahlequah district.
Q Have you always been born and raised in the Cherokee Nation?
A Yes, sir, I have never been out.
Q Have you got any proof of birth of these two younger children?
A I have got one, but I haven't got it with me.
Q Have you got any certificate of anything of your admission? A No sir, we got certificates from our mother's payment, but we didn't get one for that one, but we drew all right.
Q The question is whether you have ever been recognized by the Court of Commission as a citizen? A It don't make any difference to me, I don't care whether I get on or not, I am not going to pay out anything to have it fixed up; they have always told me they had the rights all settled and fixed up.)

The name of Rebecca J. Hornbuckle is found upon the census roll of 1888 as Rebecca J. Fleetwood. The name of her child, Nancy G., is found upon the census roll of 1888. She avers that she was married to one Henry Hornbuckle about four years ago. Her name, neither that of her father nor mother, is not found upon the authenticated roll of 1880. No proof is presented to the Commission as to her being a recognized citizen of the Cherokee Nation. She has made satisfactory proof as to her residence. She avers that she has two children not upon the roll of 1888, named Lee M. and Viola H., but presents no proof of birth of said children. By reason of her name not being found

Rebecca J. Hornbuckle - 2.

upon the authenticated roll of 1860, nor any proof of her admission or recognition as a Cherokee citizen by blood, final judgment as to the enrollment of said Rebecca J. Hornbuckle and her children mentioned herein will be suspended and their names will be placed upon a doubtful card. The applicant presents proof of birth as to her youngest child, Viola B.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 24th of October, 1900.

[Signature]

Commissioner.

0692

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
NOV 11 1891

GOVERNMENT

ORDER

THE COMMISSIONERS OF THE BUREAU OF INDIAN AFFAIRS, IN ORDER TO
PROSECUTE THE CASE OF THE FIVE CIVILIZED TRIBES, TO WIT: THE
CHEROKEE, CHICKSAW, CREEK, SEMINOLE, AND TIMUCHEE TRIBES,
AND THE FIVE WHITE PEOPLE, KNOWN AS THE FIVE WHITE PEOPLE, OF THE
STATE OF FLORIDA, IN ORDER TO PROSECUTE THE CASE OF THE FIVE
CIVILIZED TRIBES, TO WIT: THE CHEROKEE, CHICKSAW, CREEK,
SEMINOLE, AND TIMUCHEE TRIBES, AND THE FIVE WHITE PEOPLE,
KNOWN AS THE FIVE WHITE PEOPLE, OF THE STATE OF FLORIDA,

ACTING CHIEF

ORDER

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PROSECUTE THE CASE OF THE FIVE CIVILIZED TRIBES, TO WIT: THE
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CIVILIZED TRIBES, TO WIT: THE CHEROKEE, CHICKSAW, CREEK,
SEMINOLE, AND TIMUCHEE TRIBES, AND THE FIVE WHITE PEOPLE,
KNOWN AS THE FIVE WHITE PEOPLE, OF THE STATE OF FLORIDA,

DEPT. OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

EXHIBIT

Statement of the Interview
 given to the Dawes Commission
 Cherokee, I. T. November, 25th 1900.

In the matter of the enrollment of Rebecca J. Hornbuckle for the enrollment of herself and three children, as Cherokee citizen, she being sworn testified as follows before the Commission:

- Q What is your name? A. Rebecca J. Hornbuckle.
 Q What is your age? A. 25.
 Q What is your post office address? A. Claremore.
 Q What district do you live in? A. Geowasawoon.
 Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
 Q By blood? A. Yes sir.
 Q Who do you want to have enrolled? A. Myself and three children.
 Q What is your father's name? A. Miller Fleetwood.
 Q Is he living? A. No sir.
 Q What is your mother's name? A. Nancy McAlister.
 Q Is she dead? A. Yes sir.
 Q What are the names of your children? A. Nancy B. Fleetwood.
 Q How old? A. 7 years.
 Q What is the next one? A. Lee Miles Hornbuckle age 3 years.
 Q What is the next one? A. Viola E. Hornbuckle.
 Q How old? A. 7 months.
 Q Is your husband living? A. Yes sir.
 Q Are you living with him? A. Yes sir.
 Q Is he here? A. Yes sir.
 Q Does he want to be enrolled? A. I guess so.
 Q When did you marry him? A. 8 years ago on the 14th day of Feb'y.
 (HORN APPLICANT'S HUSBAND COMES UP AND HE STATES THAT HE WAS MARRIED IN 1896, TO A LATE TO BE ENROLLED AS AN INTER-MARRIED CHEROKEE.)
 Q Is your name on the 1890 roll? A. I reckon it is.
 Q Is Mr. Hornbuckle your first husband? A. Yes sir.

By Mr. Hastings, Cherokee Representative.

- Q Did you apply to the Dawes Commission in 1896? A. I never. My mother did, she enrolled for us all.
 Q What is her name? A. Nancy Smith.
 Q Did she apply to the Dawes Commission 4 years ago? A. Yes sir.
 Q What is your mother's middle name? A. Josephine.
 Q Where were you born? A. In Tahlequah District.

By the Commission— Q. Did you have any relations named Mathews?
 A. Not as I know of.

1894 roll, page 1153 No. 3056, Rebecca Fleetwood, Tahlequah Dist.

Q Have you any papers to show that you were admitted by the Dawes Commission or the Cherokee authorities as a citizen? A. Nothing but what my mother had of her mother's.

Applicant presents certificate signed by W. E. Hayes, assistant Executive Secretary of the Cherokee Nation, dated at Tahlequah, May 27th 1898, and under the seal of the Cherokee Nation, certifying that among others that one Rebecca J. Fleetwood's name appears on the census roll of Illinois District as a Cherokee by blood. Said certificate is filed with the papers in this case.

Neither your name nor the name of your mother appears on the 1890 roll.

Page 3. 1, 2.

You must be sworn to your being admitted by the
Commission to the Five Civilized Tribes or by the legally consti-
tuted authority of the Cherokee Nation.

NO
JAN 1 1891

Chas. von Helse being sworn states that as stenographer to the Com-
mission to the Five Civilized Tribes he reported in full all the
proceedings in the above cause and that the foregoing is a full,
true and correct transcript of his stenographic notes in said pro-
ceedings.

Chas. von Helse

Subscribed and sworn to before us this the 9th of November, 1900.

[Signature]

Commissioner

U.S.

Witnessed and sworn to before me this 13th day of 1901.

[Signature]
Notary Public

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, 1901.

My commission expires this _____ day of _____, 1901.

Notary Public for the State of _____

Witness my hand and seal of office this _____ day of _____, 1901.

My commission expires this _____ day of _____, 1901.

Notary Public for the State of _____

Witness my hand and seal of office this _____ day of _____, 1901.

My commission expires this _____ day of _____, 1901.

Notary Public for the State of _____

Witness my hand and seal of office this _____ day of _____, 1901.

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE GENERAL LAND OFFICE
WASHINGTON, D.C.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I. T., OCTOBER 22d, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
REBECCA J. HORNBUCKLE, ET AL., as citizens of the Cherokee Nation,
introduced on part of the applicants:

APPEARANCES:

Mr. I. P. Bledsoe, Agent for Applicants;
Mr. J. L. Baugh, of Representatives for Cher. Nation.

J. W. McALESTER, being duly sworn, testified as follows
on part of applicant:

BY THE COMMISSION: What is your name? A J. W. McAlester.

Q How old are you? A 54 years old.

Q What is your post office address? (Chouteau.)

MR. BLEDSOE: Mr. McAlester, are you a recognized citizen of
the Cherokee Nation? A Yes, sir.

Q Upon the 1880 roll? A Yes, sir.

Q When were you admitted to the Cherokee Nation? A In '71 I
think, or '72.

Q Who were admitted with you at that time? A Well Peter McAles-
ter and family.

Q I want them by name, Peter McAlester, what relation was he to
you? A Father.

Q What was your mother's name? A Rebecca.

Q And what was your name, you were admitted, what was your name?
A J. W.

Q And Mrs. Stones name? A Elizabeth Bailly.

Q Elizabeth Bailly what? A McAlester.

Q What was Mrs. Hornbuckle's name at that time? A Nancy McAles-
ter.

Q Did she have any middle name, wasn't it Nancy Josephine? A I
believe it was.

Q That constituted the body of people that was admitted at that
time? A Well, there was four children and my father and mother.

Q Who were the others that were admitted? A They were-

Q Did you have a brother Henry that was admitted? A Yes, sir.

Q What was his name? A James Henry McAlester.

Q And who had charge of that Court, Council? A Johnson Foreman,
was Prosecuting Attorney and one of the witnesses for the family.

Q Do you know whether that admission was confirmed by the Supreme
Court of the Cherokee nation or not? A Yes, sir.

Q In what year? A '71 or 2 in the Supreme Court.

Q It was the next year after your admission? A Yes, sir.

Q Now, do you know whether this Nancy Josephine, the mother of these
children, has remained in the Cherokee Nation from that time up to
this, or up to her death? A No, I don't think she has been in
it all the time, Mr. Bledsoe, I think she was out a while and back
a while and first one place and another in the Nation; down on Lees
creek and up on Honey creek.

Q But that is all in the Cherokee Nation? A Yes, sir.

Q That is what I mean, inside of the Nation? A I don't think she
was out of the Nation; that is, long at a time; she might have been
out some of the time.

Q She always made this her home here? A Yes, sir, this was the
only place she could call home.

Q She was a McAlester, as I understand it, and afterwards married
a Fleetwood? A Yes, sir.

Q And this Rebecca is a child of Fleetwood? A Yes, sir.

Q What other children did she have by this man Fleetwood? A I
don't know of but just the three.

Q Well, name then--Nancy Rebecca was the oldest one; what was the next one? A Delilah.

Q What is her name now? A Foreman I reckon so.

Q What is the youngest child's name? A Lucinda.

Q Lucinda what? A Fleetwood.

Q But, well, what is it now? A Hornbuckle.

Q These are the three children? A Yes, all I know anything about.

Q Are these children still alive? A Yes, sir.

Q Living in the Cherokee Nation? A Yes, sir.

Q They have been living here all the time? A Yes, so far as I know they have been here all their lives.

COMMISSION: Is this Rebecca Hornbuckle a relative of yours? A She is supposed to be a niece.

Q Where was she born? A She was born somewhere here in the Nation.

Q Have you known her continuously since her birth; that is, have you seen her continuously since that time? A Well, from three or four years I have seen them; of course I haven't seen them all the time.

Q How long has her mother been dead? A For about two years I reckon last January.

Q Was her mother admitted to citizenship in the Cherokee Nation? A Well, we was all admitted at the same time; she was the baby child of Peter McAlester's, family.

Q That is her mother was a child of Peter McAlester? A Yes, sir.

Q Was her mother ever recognized as a citizen? A Well, I don't know that her name was specified or not; it just said Peter McAlester and family.

Q Do you know whether this Rebecca Josephine Hornbuckle, the mother, was ever placed upon any of the tribal rolls? A No, I don't know.

Q But she always lived here in the Cherokee Nation? A Yes, sir.

Q Ever move out? A I don't know whether she was ever out or not; she was out a little while before she married.

Q That is Nancy? A Yes, sir.

Q How long ago was that? A '74 I reckon.

Q How long did she remain away from the Nation? A Three, four, five months I reckon.

Q Where did she go to? A Up here in Missouri.

Q Did she then come back to the Cherokee Nation? A Yes, sir.

Q Did she live here from that time? On up to her death?

A Well, she lived here all the time after she married Fleetwood.

MR. BAUGH: By what Commission did you say you were admitted to citizenship? A It was the Council of '71 I reckon.

Q And who did you say was the Prosecuting Attorney of the Council at that time? A Johnson Foreman.

Q Did the Council have a Prosecuting Attorney in cases of citizenship? A The Supreme Court had it.

Q The Supreme Court had a Prosecuting Attorney in 1870?

A Yes, sir, I think so.

Q Now, isn't it a fact that in 1870 the Supreme Court was authorized to take evidence in cases is all? A I don't know.

Q And it was also authorized by the same Act, instructed by the same act, to report their findings to the Council for their action; was this done in your case? A Well, there was no one case specified.

Q Now, in 1870, did the Cherokee National Council pass an act admitting your folks to citizenship? A I don't know whether it was '72 or '2, Joe.

Q Well, did they ever? A Yes, sir.

Q Can you find a record of that? A I have got it at home.

Q Why didn't you bring that? A I didn't know it was necessary; I didn't know I had any fight to make.

Mr. Baugh: Now comes the Cherokee Nation by its representatives and moves to strike out the evidence of J. W. McAlester for the simple fact that the records is the best evidence in this case.

Commission: The objection will be noted.

MR. BLEDSOE: How old was Mrs. Fleetwood, or Nancy J. McAlester, the mother of these children when you all were admitted?

A Well, she was born June, '61, and we came here in 1869.

Q Make her about eight years of age at that time? A She was about eight or nine years old at the time.

MR. BAUGH: She was a full sister of yours? A As far as I know she was; there was just four of the children, me and Henry and this one and Nancy, that I knowed anything about.

ELIZABETH EMILY STONE, being duly sworn, testified as follows, on part of applicants:

COMMISSION: What is your name? A Elizabeth Emily Stone.

Q How old are you? A I will soon be 45.

Q What is your post office address? A Pryor Creek.

MR. BLEDSOE: Do you know when you were admitted to the Cherokee Nation as a citizen? A I think it was in '71, as well as I remember; I was small then.

Q Do you know who was admitted at the same time that you were?

A The whole family, my mother and father.

Q I want their names? A Peter McAlester, Rebecca McAlester and John.

Q Who was your mother? A Rebecca McAlester.

Q How, the oldest brother? A John Wesley McAlester, James Henry McAlester, Elizabeth Emily McAlester, that is myself, and Nancy Josephine McAlester, that is my sister.

Q Nancy Josephine McAlester is the mother of these children here?

A Yes, sir.

Q Rebecca and Lucinda and Delilah Hornbuckle? A Yes, sir.

Q And where is the mother of these children now, is she dead or alive? A She is dead.

Q When did she die? A She has been dead I think about two years, maybe a little over two years, be two years next spring, or three years next spring.

Q Were you living near her in 1880? A Yes, sir.

Q In what district were you living? A Delaware.

Q In the Cherokee Nation? A Yes, sir.

Q Were you put upon the 1880? Roll? A Yes, sir.

Q And was she put upon that roll? A Yes, sir.

Q Who put you all upon that roll? A Joe Thompson and Joe Muskrat.

Q They are both alive I suppose? A Yes, sir.

Q Do you know why her name does not appear upon the 1880 roll now?

A No, sir, I don't; I can't account for it.

Q Your name is upon that roll? A Yes, sir.

Q Do you know whether Nanch Jane McAlester, or Fleetwood, remained in the Cherokee Nation since that time? A Yes, sir.

MR. BAUGH: Under what name were you enrolled in 1880?

A Marian.

Q Was J. H. McAlester a brother of yours? A Yes, sir.

Q Where did he live in 1880? A He lived in Tahlequah district.

J. H. McAlester, did you say?

Q Yes, madam? A That would be Henry's initial.

Q That would be John H. I guess? A James Henry's.

Q What district did he live in 1880? A I can't tell you, I don't know where he did live at.

Q Do you know who placed him on the rolls? A No, sir, I don't.

Q How long did your sister, Nancy, live in Delaware district?

A Well, she lived there two or three years, and sometimes she was move off and come back and stay a year or so at the time.

Q Where was she married to Fleetwood? A In Tahlequah district.

Q Did she live then in Tahlequah district, after that all the time?

A No, not all the time she didn't.

Q Where was she living in 1896? A I think she was living in Cooweescoowee.

Q Where had she been living prior to 1896? A I think she came from Illinois district up here; she just moved around and about. I never could hardly keep track of where she was living all the time.

COMMISSION: Was your name included in the certified issued by the Council on citizenship admitting your father to citizenship in the Cherokee Nation? A Yes, sir.

Q Your name was mentioned? A Yes, sir.

Q Was your sister's name mentioned in there? A Yes, sir.

Q Have you that certified? A The Court has got it here; when I enrolled at Pryor Creek and after my last girl come down to enroll at Claremore, they took my paper that I had; I went to Missouri and stayed two years and when I come back I applied for citizenship again and I got my paper.

Q Your sister didn't apply for citizenship at that time, did she?

A I don't know; she didn't stay up there but a little while.

Q Her name wasn't mentioned in the certificate that admitted you to citizenship? A No, sir.

MR. BAUGH: When you and your sister went to Missouri who returned first? A She did.

Q How long did you remain out? A I stayed there about three years.

Q Do you remember about what length of time your sister stayed there? A I don't think she was there more than eight or nine months.

Q What part of Missouri? A In Joplin, Missouri.

COMMISSION: How long ago was that? A That has been about 28 or 9 years.

MR. BAUGH: Was your sister married at that time? A No, sir; she was a little girl.

MR. BLEDSOE: She was a minor at that time? A Yes, sir.

Commission: There is offered in evidence by the agent for the applicant a Cherokee marriage license issued by Joe M. LaHay, Clerk of Cooweescoowee district, Cherokee Nation, on the 12th day of February, 1896, authorizing the marriage of Henry Hornbuckle and Miss Rebecca Fleetwood. No certificate of marriage is attached to the marriage license.

MR. BAUGH: Was your mother a Cherokee woman or white woman?

A She was Cherokee.

Q You derive your Cherokee blood from your mother? A Yes, sir.

Q Your father was a white man? A Yes, sir, my grand mother was a Kell.

Commission: This testimony will be made part of the record in the case of Lucinda Hornbuckle, D.#693, and in the case of Delilah Foreman, D.#691.

---oooOooOooo---

J. O. Rosson, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this October 26th, 1901.



Commissioner.

To be filed in Chero. D-692.

R
C. D-691.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 7, 1902.

Supplemental testimony and proceedings in the matter of the application of Delilah E. Foreman for the enrollment of herself as a Cherokee citizen.

Appearances:

I. P. Bledsoe, Chontau, I. T., as agent for applicant;
W. W. Hastings, attorney for the Cherokee Nation.

By Commission: The applicant was notified by registered letter February 17th, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 7th day of March, 1902; applicant this day, to-wit: the 7th day of March, 1902, appears by her agent, I. P. Bledsoe.

In the matter of the application of Rebecca J. Hornbuckle, for the enrollment of herself and children as Cherokee citizens, D-692.

By Commission: The applicant was notified by registered letter February 17th, 1902, that her application for the enrollment of herself and children would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the 7th day of March, 1902. Receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: the 7th day of March, 1902, appears by her agent, I. P. Bledsoe.

In the matter of the application of Lucinda Hornbuckle for the enrollment of herself and child as Cherokee citizens:

By Commission: The applicant was notified by registered letter February 17th, 1902, that her application for the enrollment of herself and child as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the 7th day of March, 1902; receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: the 7th day of March, 1902, appears by her agent, I. P. Bledsoe.

L. B. Bell, being first duly sworn and being examined testified as follows:

By Mr. Bledsoe:

- Q What is your name? A L. B. Bell.
Q How old are you? A Vinita, 64.
Q What position do you occupy now in the Cherokee Nation? A I am attorney for the Cherokee Nation in the matter of this Freedmen enrollment down here in the Creek Nation.
Q You are a Cherokee citizen by blood? A Yes.
Q How long have you lived in the Cherokee Nation? A Well I reckon 64 years.
Q Do you know anything about the act of 1882, passed by the National Council; if so, state what you know in regard to that act?
A I rather think that you would get at it better by getting the law book.

By Mr. Hastings:

- If that is what you are going to prove I shall object to it.
Q You know anything about the bill, Mr. Bell, that was passed in 1882? A-

By Mr. Hastings: I am going to object to that, because the law is the best evidence, and we will have to go not by man's memory, but in accordance with the law.

A The general custody of these laws are in the Executive Office and I presume you could get it there.

Q I will ask you if there was any one put upon that roll of 1893 except Cherokee citizens by blood?

Q Well I don't know a thing in the world about that except myself and a few others on the roll.

Q Were you at the National Council in 1883, or a member of that Council, or know anything about its acts? A I think that bill was dated 1883; I was not there when it was passed.

Q The payment was in 1883 and the bill was passed in 1883?

A You have not asked me anything on earth but what you could get better somewhere else.

By Bledsoe:

Reference is made by the agent for the applicant to the roll of 1883, Delaware District, Cherokee Nation, and special attention is called thereto to the name of Nancy J. Fleetwood, 8017, Rebecca J. Fleetwood, 2018 Lila E. Fleetwood, 2019, and reference is also called and special attention is called of the Commission to the act creating this Pay Roll, 1883 National Council of the Cherokee Nation.

By Mr. Hastings: The Nation calls attention to the fact that the 1883 roll is not an authenticated roll, nor have the numbers as given by counsel for the applicant been introduced and made a part of the record in this case.

By Mr. Bledsoe: The agent for the applicant introduces this evidence from the simple fact that there was none paid on that 1883 roll except Cherokees by blood; those that were recognized by the Cherokee authorities as blood citizens, the same being called and termed "A Blood Bill". The negroes, Delawarees and Shawnees and whites that were residents of the Territory at that time afterwards had to enter suit and obtain their money through courts.

By Mr. Hastings: The agent for the applicant well knows that there has been no roll since 1880 that has been authenticated or a recognized roll of the citizens of the Cherokee Nation, and he knows that the roll of 1883 was not an authenticated roll, nor a recognized roll, binding upon the Cherokee Nation as to the citizenship of the persons whose names appear thereon.

By Commission: The agent for the applicant requests and will be granted ten days to file a brief in the case, one copy with the Commission and one copy with the representative of the Cherokee Nation. The agent for the applicant and the attorney for the Cherokee Nation submit the case; and same is deemed completed, and will be reported to the Commission for final decision based upon the evidence now of record.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

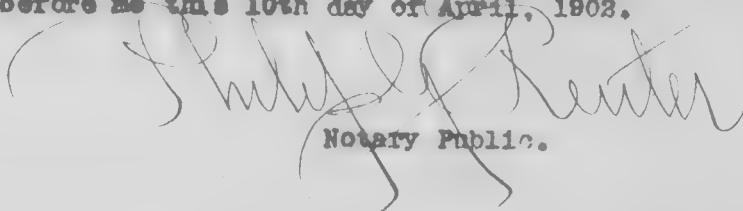
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The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the above copy and that the same is a true and complete copy of the original manuscript.



Subscribed and sworn to before me this 10th day of April, 1902.



Notary Public.

D. 111.

Department of the Interior,
Commission to the Five Civilized Tribes,
Managers, I.T. April 17, 1905.

In the matter of the application of Rebecca J. Hornbuckle for enrollment as a citizen of the Cherokee Nation.

Applicant represented by I. P. Blodgett, Agent, Chautauk, I.T.
Cherokee Nation represented by I. W. Hastings.

There is offered in evidence by the agent for the applicant a certificate from B. W. Albany, Assistant Executive Secretary of the Cherokee Nation, as follows:
"McAllister Rebecca Dec. 15th 1870 entitled being Cherokee,
Executive Office Cherokee Nation,
Tahlequah, I. T."

I, B. W. Albany, Assistant Executive Secretary of the Cherokee Nation do hereby certify that the above is a true copy from the record made and kept in this office of persons admitted to citizens since 1866 and prior to 1880; that said record is among the records of this office and is in my legal custody. Given under my hand and the seal of the Cherokee Nation this the 13 day of March, 1905.

(SEAL)

B. W. Albany,
Assistant Executive Secretary Cherokee Nation."

MR. HASTINGS: The representatives of the Cherokee Nation object to the introduction of this certificate because it does not show any connection whatever with the case in which it is offered as testimony. They did not claim that this woman is either of these applicants, or that she is the mother of either of them, and it is not shown that these applicants or their mother either, was ever admitted to citizenship in the Cherokee Nation; nor is it shown that if this is the grandmother of these applicants that her daughter, who was the mother of these applicants, was a minor in 1870, at the time she was rejected; and we think for that reason it is clearly inadmissible.

MR. NEWSON: The agent for the applicant states that the testimony in each of these cases shows that Peter McAllister, the husband of Rebecca McAllister, the woman, and father of these children's mother, was admitted to citizenship when these children's mother was nothing but a very small girl; and her name by some mishap was left off the 1880 roll while her brothers and sisters are upon the 1880 roll.

Arthur O. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 13rd day of April, 1905.

Arthur O. Croninger
Notary Public.

IN THE MATTER OF THE APPLICATION OF

Rebecca Hornbuckle et al

FOR ENROLLMENT AS

WEDDING

FEB 28 1902

Rebecca Hornbuckle

et al

A. Original testimony. Oct. 24-1900

B. Memo of application. Oct 24-1900

C. Supplemental testimony. Nov 8-1900

D. Certificate by Und. Ex. Sec. B. H.

E. Receipt for testimony

et al

F. Marriage license
Marriage cert.

G. Supplementary testimony 10/22/01

H. Birth affidavit Viola Hornbuckle

I. Notice of final consideration 3/7/02

Sept 29 1902 Enrolled and Trans
ferred to the State of N.C.

CHER D 693

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DEPARTMENT OF THE ARMY

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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~~OFFICE~~ CHAIRMAN

File with Cherokee p-493, Lucinda Hornbuckle.

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I.T., October 24, 1900.

In the matter of the application of Rebecca Josephine Hornbuckle for the enrollment of herself and three children as Cherokees by blood; being sworn and examined by Commissioner Needles, she testified as follows:

Q What is your name? A Rebecca Josephine Hornbuckle.
Q How old are you? A 22.
Q What is your post-office address? A Claremore.
Q What district do you live in? A This one, Cooweescoowee.
Q Are you a recognized citizen by blood? A Yes, sir, I always claimed to be.
Q Who do you want to enroll? A Myself and three children.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Hornbuckle.
Q What was your father's name? A Miles Fleetwood.
Q What is your mother's name? A Nancy Fleetwood.
Q They living? A No, sir, both dead.
Q When did you marry? A I have been married 4 years the 4th day of last February.
Q What is your husband's name? A Henry Hornbuckle.
Q What are the names of your children? A The oldest one is named Nancy Gertrude Fleetwood, 7 years old.
Q The name of the next child? A Lee Miles Hornbuckle, 3 years old.
Q The name of the next one? A Viola Elizabeth, 7 months old.
Q Have you any proof of her birth? A Yes, sir, I have one drawn up yonder, my husband has got it.
Q Are you on the roll of 1880? A I guess so, all my folks was and I drew the 1880 payment.
(On 1880 roll, page 163, No. 1886, Rebecca J. Fleetwood, Cooweescoowee district.)
Q You say you were married 4 years ago? A Yes, sir.
Q And you have got a child 7 years old? A I have registered for her Fleetwood.
(Nancy G. Fleetwood on 1896 roll, page 163, No. 1887, Cooweescoowee district.)
Q Where were you born? A In Tahlequah District.
Q Have you always been born and raised in the Cherokee nation?
A Yes, sir, I have never been out.
Q Have you got any proof of birth of these two younger children?
A I have got one, but I haven't got it with me.
Q Have you got any certificate of anything of your admission? A No sir, we got a certificate from our mother's payment, but we didn't get anything for that one, but we drew all right.
Q The question is whether you have ever been recognized by the Court of Commission as a citizen? A It don't make any difference to me, I don't care whether I get on or not, I am not going to pay out anything to have it fixed up; they have always told me they had the rights all settled and fixed up.

The name of Rebecca J. Hornbuckle is found upon the census roll of 1896 as Rebecca J. Fleetwood. The name of her child, Nancy G. is found upon the census roll of 1898. She avers that she was married to one Henry Hornbuckle about four years ago. Her name, neither that of her father nor mother, is not found upon the authenticated roll of 1880. No proof is presented to the Commission as to her being a recognized citizen of the Cherokee Nation. She has no satisfactory proof as to her residence. She avers that she has two children not upon the roll of 1896, named Lee M. and Viola E., but presents no proof of birth of said children. By reason of her name not being found

upon the authenticated roll of 1880, nor any proof of her admission or recognition as a Cherokee citizen by blood, final judgment as to the enrollment said Rebecca J. Hornbuckle and her children mentioned herein will be suspended and their names will be placed upon a doubtful card. The applicant presents proof of birth as to her youngest child, Viola E.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Bruce C. Jones.

sworn to and subscribed before me this the 24th of October, 1900.

(signed) C. R. Breckinridge.

Commissioner.

S U P P L E M E N T A L

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I. T., November 8th, 1900.

In the matter of the application of Rebecca J. Hornbuckle for the enrollment of herself and three children, as Cherokee citizens. She being sworn testified as follows before the Commission.

- Q What is your name? A Rebecca J. Hornbuckle.
Q What is your age? A 22.
Q What is your post-office address? A Claremore.
Q What district do you live in? A Cowwescowwe.
Q Are you a recognized citizen of the Cherokee nation? A Yes sir.
Q By blood? A Yes sir.
Q Who do you want to have enrolled? A Myself and three children.
Q What is your father's name? A Miller Fleetwood.
Q Is he living? A No sir.
Q What is your mother's name? A Nancy McAlister.
Q Is she dead? A Yes sir.
Q What are the names of your children? A Nancy G. Fleetwood.
Q How old? A 7 years.
Q What is the next one? A Lee Miles Hornbuckle, age 3 years.
Q What is the next one? A Viola E. Hornbuckle.
Q How old? A 7 months.
Q Is your husband living? A Yes sir.
Q Are you living with him? A Yes sir.
Q Is he here? A Yes sir.
Q Does he want to be enrolled? A I guess so.
Q When did you marry him? A 5 years ago on the 14th of Feb'y.
(HERE APPLICANTS HUSBAND COMES UP AND HE STATES THAT HE WAS MARRIED IN 1896, TOO LATE TO BE ENROLLED AS AN INTER-MARRIED CHEROKEE.)
Q Is your name on the 1880 roll? A I reckon it is.
Q Is Mr. Hornbuckle your first husband? A Yes sir.
Q By Mr. Hastings, Cherokee Representative.
Q Did you apply to the Dawes Commission in 1896? A I never, my mother did, she enrolled for us all.
Q What is her name? A Nancy Smith.
Q Did she apply to the Dawes Commission 4 years ago? A Yes sir.
Q What is your mother's middle name? A Josephine.
Q Where were you born? A In Tahlequah District.
Q By the Commission- Q Did you have any relation named Mathews?
A Not as I know of.
1894 roll, page 1133, No. 3066, Rebecca Fleetwood, Tahlequah Dist
Q Have you any papers to show that you were admitted by the Dawes Commission or the Cherokee authorities as a citizen? A Nothing

but what my mother had of her mother.

Applicant presents certificate signed by E.H. Hayes, assistant Executive Secretary of the Cherokee Nation, dated at Tahlequah, May 27th, 1899, and under the seal of the Cherokee Nation, certifying that among others that one Rebecca J. Fleetwood's name appears on the census roll of Illinois District as a Cherokee by blood. Said certificate is filed with the papers in this case.

Neither your name nor the name of your mother appears on the 1880 roll.

You must make satisfactory proof as to your being admitted by the commission to the Five Civilized Tribes or by the lawfully constituted authorities of the Cherokee nation.

Chas. von Weiss, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes in said proceedings.

Chas. von Weiss.

Subscribed and sworn to before me this 9th of November, 1900.

(signed) T.B. Needles,
Commissioner.

Supl C. D-4692.

Department of the Interior,
Commission to the Five Civilized Tribes,
Winita, I.T., October 22d, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of REBECCA J. HORNBUCKLE, et al, for as citizens of the Cherokee Nation, introduced on part of the applicants:

Appearances:

Mr. I.P. Bledsoe, agent for applicants;

Mr. J.L. Baugh, of Representatives for Cher. Nation.

J.W. McALESTER, being duly sworn, testified as follows on part of applicant:

BY THE COMMISSIONER: What is your name? A. J.W. McAlester.

Q How old are you? A 54 years old.

Q What is your post office address? A (Chouteau.)

MR. BLEDSOE: Mr. McAlester, are you a recognized citizen of the Cherokee nation? A Yes, sir.

Q Upon the 1880 roll? A Yes, sir.

Q When were you admitted to the Cherokee nation? A In '71 I think, or '72.

Q Who were admitted with you at that time? A Well Peter McAlester and family.

Q I want them by name, Peter McAlester, what relation was he to you? A Father.

Q What was your mother's name? A Mrs. Rebecca.

Q And what was your name, you were admitted, what was your name? A J.W.

Q And Mrs. Stones name? A Elizabeth Emily.

Q Elizabeth Emily what? A McAlester.

Q What was Mrs. Hornbuckle's name at that time? A Nancy McAlester.

Q Did she have any middle name, wasn't it Nancy Josephine? A I believe it was.

Q That constituted the body of people that was admitted at that time? A Well, there was four children and my father and mother.

Q Who were the others that were admitted? A They were-

Q Did you have a brother Henry that was admitted? A Yes, sir.

Q What was his name? A James Henry McAlester.

Q And who had charge of that Court, Council? A Johnson Foreman, was Prosecuting Attorney and one of the witnesses for the family.

- Q Do you know whether that admission was confirmed by the Supreme Court of the Cherokee Nation or not? A Yes, sir.
- Q In what year? A '71 or '2 in the Supreme Court.
- Q It was the next year after your admission? A Yes, sir.
- Q Now, do you know whether this Nancy Josephine, the mother of these children, has remained in the Cherokee Nation from that time up to this, or up to her death? A No, I don't think she has been in it all the time, Mr. Bledsoe, I think she was out a while and back a while and first one place and another in the Nation; down on Lee's creek and up on Honey creek.
- Q But that is all in the Cherokee Nation? A Yes, sir.
- Q That is what I mean; inside of the Nation? A I don't think she was out of the Nation; that is, long at a time; she might have been out some of the time.
- Q She always made this her home here? A Yes, sir, this was the only place she could call home.
- Q She was a McAlester, as I understand it, and afterwards married a Fleetwood? A Yes, sir.
- Q And this Rebecca is a child of Fleetwood? A Yes, sir.
- Q What other children did she have by this man Fleetwood? A I don't know of but just the three.
- Q Well, name them--Nancy, Rebecca was the oldest one; what was the next one? A Delilah.
- Q What is her name now? A Foreman I reckon so.
- Q What is the youngest child's name? A Lucinda.
- Q Lucinda what? A Fleetwood.
- Q But, well, what is it now? A Hornbuckle.
- Q Those are the three children? A Yes, all I know anything about.
- Q Are these children still alive? A Yes, sir.
- Q Living in the Cherokee Nation? A Yes, sir.
- Q They have been living here all the time? A Yes, so far as I know they have been here all their lives.
- COMMISSIONER: Is this Rebecca Hornbuckle a relative of yours?
- Q She is supposed to be a niece.
- Q Where was she born? A She was born somewhere here in the Nation.
- Q Have you known her continuously since her birth; that is, have you seen her continuously since that time? A Well, from three or four years I have seen them; of course I haven't seen them all the time.
- Q How long has her mother been dead? A For about two years I reckon last January.
- Q Was her mother admitted to citizenship in the Cherokee Nation? A Well, we was all admitted at the same time; she was the baby child of Peter McAlester's family.
- Q That is her mother was a child of Peter McAlester? A Yes, sir.
- Q Was her mother ever recognized as a citizen? A Well, I don't know that her name was specified or not; it just said Peter McAlester and family.
- Q Do you know whether this Rebecca Josephine Hornbuckle, the mother was ever placed upon any of the tribal rolls? A No, I don't know.
- Q But she always lived here in the Cherokee Nation? A Yes, sir.
- Q Ever move out? A I don't know whether she was ever out or not; she was out a little while before she married.
- Q That is Nancy? A Yes, sir.
- Q How long ago was that? A '74 I reckon.
- Q How long did she remain away from the Nation? A Three, four, five months I reckon.
- Q Where did she go to? A Up here in Missouri.
- Q Did she then come back to the Cherokee Nation? A Yes, sir.
- Q Did she live here from that time? On up to her death?
- Q Well, she lived here all the time after she married Fleetwood.
- MR. BAUGH: By what Commission did you say you were admitted to citizenship? A It was the Executive Council of '71 I reckon.
- Q And who did you say was the prosecuting Attorney of the Council at that time? A Johnson Foreman.
- Q Did the Council have a Prosecuting attorney in cases of citizen-

ship. A The Supreme Court had it.

Q The Supreme Court had a Prosecuting Attorney in 1870?

A Yes, sir, I think so.

Q Now, isn't it a fact that in 1870 the Supreme Court was authorized to take evidence in cases is all? A I don't know.

Q And it was also authorized by the same act, instructed by the same act, to report their findings to the Council for their action; was this done in your case? A Well, there was no one case specified.

Q Now, in 1870, did the Cherokee National Council pass an act admitting your folks to citizenship? A I don't know whether it was '71 or '2, Joe.

Q Well, did they ever? A Yes, sir.

Q Can you find a record of that? A I have got it at home.

Q Why didn't you bring that? A I didn't know it was necessary; I didn't know I had any fight to make.

Mr. Baugh: Now comes the Cherokee Nation by its representatives and moves to strike out the evidence of J.W. McAlester for the simple fact that the records if the best evidence in this case.

Commission: The objection will be noted.

MR. BLEDSOE: How old was Mrs. Fleetwood, or Nancy J. McAlester the mother of these children when you all were admitted?

A Well, she was born June, '61, and we come here in 1869.

Q Make her about eight years of age at that time? A She was about eight or nine years old at the time.

MR. BAUGH: She was a full sister of yours? A As far as I know she was; there was just four of the children, me and Henry and this one and Nancy, that I knowed anything about.

ELIZABETH EMILY STONE, being duly sworn, testified as follows, on part of applicants:

COMMISSION: What is your name? A Elizabeth Emily Stone.

Q How old are you? A I will soon be 45.

Q What is your post-office address? A Pryor Creek.

MR. BLEDSOE: Do you know when you were admitted to the Cherokee Nation as a citizen? A I think it was in '71, as well as I remember; I was small then.

Q Do you know who was admitted at the same time that you were? The whole family, my mother and father.

Q I want their names? A Peter McAlester, Rebecca McAlester and John.

Q Who was your mother? A Rebecca McAlester.

Q Now, the oldest brother? A John Wesley McAlester, James Henry McAlester, Elizabeth Emily McAlester, that is my self and Nancy Josephine McAlester, that is my sister.

Q Nancy Josephine McAlester is the mother of these children here? A Yes, sir.

Q Rebecca and Lucinda and Delilah Hornbuckle? A Yes, sir.

Q And where is the mother of these children now, is she dead or alive? A She is dead.

Q When did she die? A She has been dead I think about two years, maybe a little over two years, be two years next spring, or three years next spring.

Q Were you living near her in 1880? A Yes, sir.

Q In what district were you living? A Delaware.

Q In the Cherokee Nation? A Yes, sir.

Q Were you put upon the 1880 roll? A Yes, sir.

Q And was she put upon that roll? A Yes, sir.

Q Who put you all upon that roll? A Joe Thompson and Jose Muskrat.

Q They are both alive I suppose? A Yes, sir.

Q Do you know why your name does not appear upon the 1880 roll now?

A No, sir, I don't; I can't account for it.

Q Your name is upon that roll? A Yes, sir.

Q Do you know whether Nancy Jane McAlester, or Fleetwood, remained in the Cherokee nation since that time? A Yes, sir.

MR. BAUGH: Under what name were you enrolled in 1880?

Marian.

Q Was J.H. McAlester a brother of yours? A Yes, sir.

Q Where did he live in 1880? A He lives in Tahlequah district.

J.H. McAlester, did you say?

Q Yes, madam? A That would be Henry's initial.

Q That would be John H. I guess? A James Henry's.

Q What district did he live in 1880? A I can't tell you, I don't know where he did live at.

Q Do you know who placed him on the rolls? A No, sir, I don't.

Q How long did your sister, Nancy, live in Delaware district?

A Well, she lived there two or three years, and sometimes she was move off and come back and stay a year or so at the time.

Q Where was she married to Fleetwood? A In Tahlequah district.

Q Did she live then in Tahlequah district, after that all the time?

A No, not all the time she didn't.

Q Where was she living in 1896? A I think she was living in Cooweescoowee.

Q Where had she been living prior to 1896? A I think she come from Illinois district up here; she just moved around and about, I never could hardly keep track of where she was living all the time.

COMMISSION: Was your name included in the certified issued by the Council on citizenship admitting your father to citizenship in the Cherokee nation? A Yes, sir.

Q Your name was mentioned? A Yes, sir.

Q Was your sister's name mentioned in there? A Yes, sir.

Q Have you that certified? A The Court has got it here; when I enrolled at Pryor Creek and after my last girl come down to enroll at Claremore, they took my paper that I had; I went to Missouri and stayed two years and when I come back I applied for citizenship again and I got my paper.

Q Your sister didn't apply for citizenship at that time, did she?

A I don't know; she didn't stay up there but a little while.

Q Her name wasn't mentioned in the certificate that admitted you to citizenship? A No, sir.

MR. BAUGH: When you and your sister went to Missouri who returned first? A She did.

Q How long did you remain out? A I stayed there about three years.

Q Do you remember about what length of time your sister stayed there? A I don't think she was there more than eight or nine months.

Q What part of Missouri? A In Joplin, Missouri.

COMMISSION: How long ago was that? A That has been about 28 or 29 years.

MR. BAUGH: Was your sister married at that time? A No, sir; she was a little girl.

MR. BLEDSOE: She was a minor at that time? A Yes, sir.

Commission: There is offered in evidence by the agent for the applicant a Cherokee marriage license issued by Joe M. Lahay, Clerk of Cooweescoowee district, Cherokee nation, on the 12th day of February, 1896, authorizing the marriage of Henry Hornbuckle and Miss Rebecca Fleetwood. No certificate of marriage is attached to the marriage license.

MR. BAUGH: Was your mother a Cherokee woman or white woman?

A She was Cherokee.

Q You derive your Cherokee blood from your mother? A Yes sir.

Q Your father was a white man? A Yes, sir, my grand mother was a Kell.

Commission: This testimony will be made part of the record in the case of Lucinda Hornbuckle, D#693, and in the case of Delilah Foreman, D#691.

J.O. Rosson, being first duly sworn, states that as stenographer to the commission to the River/Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes the recd.

(signed) J.O. Rosson.

Subscribed and sworn to before me this October 26th, 1901.

(signed) T.B. Needles,
Commissioner.

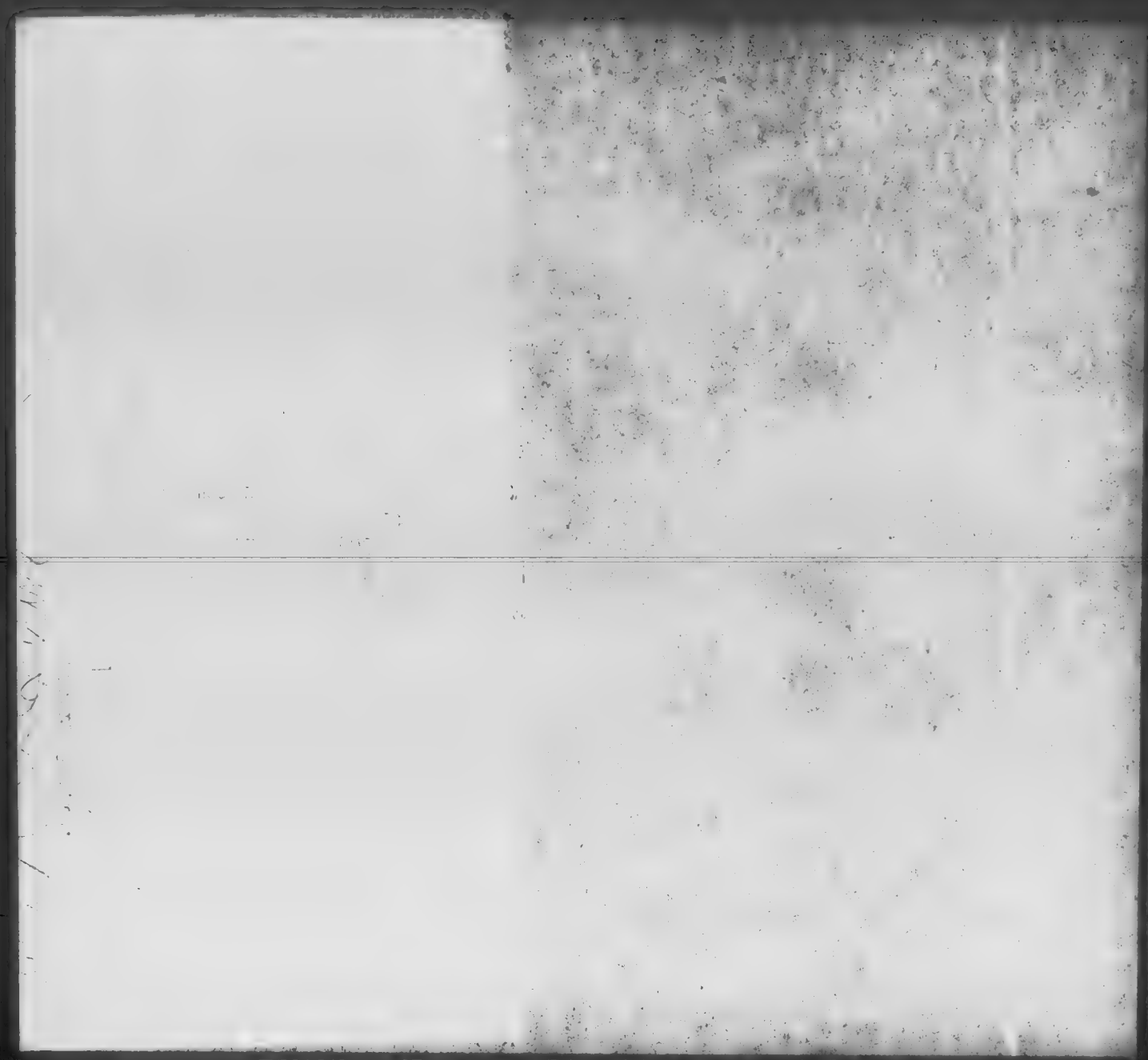
M.D. Green, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case and that the foregoing is a true and complete copy of the original transcript of same.

M.D. Green

Subscribed and sworn to before me this December 10th, 1901.

[Signature]

Commissioner.



To be filed in case Chero. D-693.

R
C. D-691.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 7, 1902.

Supplemental testimony and proceedings in the matter of the application of Delilah E. Foreman for the enrollment of herself as a Cherokee citizen.

Appearances:

I.P.Bledsoe, Chouteau, I. T., as agent for applicant;
W.W.Hastings, attorney for the Cherokee Nation.

By Commission: The applicant was notified by registered letter February 17th, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the 7th day of March, 1902; applicant this day, to-wit: the 7th day of March, 1902, appears by her agent, I.P.Bledsoe.

In the matter of the application of Rebecca J. Hornbuckle, for the enrollment of herself and children as Cherokee citizens, D-692.

By Commission: The applicant was notified by registered letter February 17th, 1902, that her application for the enrollment of herself and children would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the 7th day of March, 1902. Receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: the 7th day of March, 1902, appears by her agent, I.P.Bledsoe.

In the matter of the application of Lucinda Hornbuckle for the enrollment of herself and child as Cherokee citizens:

By Commission: The applicant was notified by registered letter February 17th, 1902, that her application for the enrollment of herself and child as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the 7th day of March, 1902; receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: the 7th day of March, 1902, appears by her agent, I.P.Bledsoe.

L.B.Bell, being first duly sworn and being examined testified as follows:

By Mr. Bledsoe:

- Q What is your name? A L. B. Bell.
Q How old are you? A Vinita, 64.
Q What position do you occupy now in the Cherokee Nation? A I am attorney for the Cherokee Nation in the matter of this Freedmen enrollment down here in the Creek Nation.
Q You are a Cherokee citizen by blood? A Yes.
Q How long have you lived in the Cherokee Nation? A Well I reckon 64 years.
Q Do you know anything about the act of 1882, passed by the National Council; if so, state what you know in regard to that act?
A I rather think that you would get at it better by getting the law book.

By Mr. Hastings:

If that is what you are going to prove I shall object to it.

- Q You know anything about the bill, Mr. Bell, that was passed in

D.H.F.-2.

1882? A -

By Mr. Hastings: I am going to object to that, because the law is the best evidence, and we will have to go not by man's memory, but in accordance with the law.

A The general custody of these laws are in the Executive Office and I presume you could get it there.

Q I will ask you if there was any one put upon that roll of 1882 except Cherokee citizens by blood?

A Well I don't know a thing in the world about that except myself and a few others on the roll.

Q Were you at the National Council in 1882, or a member of that Council, or know anything about its acts? A I think that bill was dated 1883; I was not there when it was passed.

Q The payment was in 1883 and the bill was passed in 1882?

A You have not asked me anything on earth but what you could get better somewhere else.

By Bledsoe:

Reference is made by the agent for the applicant to the roll of 1883, Delaware District, Cherokee Nation, and especial attention is called thereto to the name of Nancy J. Fleetwood, 2017, Rebecca J. Fleetwood, 2018 Lila E. Fleetwood, 2019, and reference is also called and special attention is called of the Commission to the act creating this Pay roll, 1882 National Council of the Cherokee Nation.

By Mr. Hastings: The Nation calls attention to the fact that the 1883 roll is not an authenticated roll, nor have the numbers as given by counsel for the applicant been introduced and made a part of the record in this case.

By Mr. Bledsoe: The agent for the applicant introduces this evidence from the simple fact that there was none paid on that 1883 roll except Cherokees by blood; those that were recognized by the Cherokee authorities as blood citizens, the same being called and termed "A Blood Bill". The negroes, Delawares and Shawnees and whites that were residents of the Territory at that time afterwards had to enter suit and obtain their money through courts.

By Mr. Hastings: The agent for the applicant well knows that there has been no roll since 1880 that has been authenticated or a recognized roll of the citizens of the Cherokee Nation, and he knows that the roll of 1863 was not an authenticated roll, nor a recognized roll, binding upon the Cherokee Nation as to the citizenship of the persons whose names appear thereon.

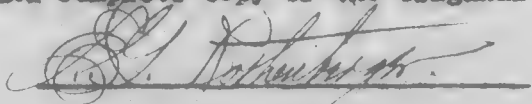
By Commission: The agent for the applicant requests and will be granted ten days to file a brief in the case, one copy with the Commission and one copy with the representative of the Cherokee Nation. The agent for the applicant and the attorney for the Cherokee Nation submit the case; and same is deemed completed, and will be reported to the Commission for final decision based upon the evidence now of record.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

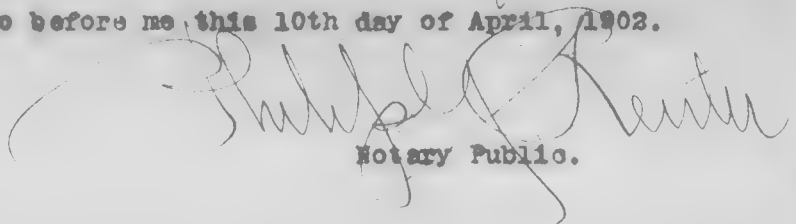
M.D. Green.

D.E.F.-3.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the above copy and that the same is a true and complete copy of the original manuscript.

A handwritten signature in cursive script, appearing to read "E. L. Roberts", written over a horizontal line.

Subscribed and sworn to before me, this 10th day of April, 1902.

A large, stylized handwritten signature in cursive script, appearing to read "Philip S. Kenton", written over the words "Notary Public".

Notary Public.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 17, 1902.

In the matter of the application of Lucinda Hornbuckle et al
for enrollment as citizens of the Cherokee Nation.

Applicant represented by I. T. Bledsoe, Agent, Chouteau, I.T.
Cherokee Nation represented by W. W. Hastings.

There is offered in evidence by the agent for the applicant
a certificate from B. V. Alberty, Assistant Executive Secretary
of the Cherokee Nation, as follows:

"McAllister Rebecca Dec. 15th 1870 entitled being Cherokee."
Executive Office Cherokee Nation,
Tahlequah, I. T.

I, B. V. Alberty, Assistant Executive Secretary
of the Cherokee Nation do hereby certify that the above is a
true copy from the record made and kept in this office of persons
admitted to citizenship since 1866 and prior to 1890; that said
record is among the records of this office and is in my legal cus-
tody. Given under my hand and the seal of the Cherokee Nation this
the 12 day of March, 1902.

(SEAL)

B. V. Alberty,
Assistant Executive Secretary,
Cherokee Nation.

MR. HASTINGS: The representatives of the Cherokee Nation
object to the introduction of this certificate because it does not
show any connection whatever with the case in which it is offered
as testimony. They did not claim that this woman is either of these
applicants, or that she is the mother of either of them, and it is
not shown that these applicants or their mother either, was ever
admitted to citizenship in the Cherokee Nation; nor is it shown that
if this is the grandmother of these applicants that her daughter,
who was the mother of these applicants, was a minor in 1870, at the
time she was rejected; and we think for that reason it is clearly
inadmissible.

MR. BLEDSOE: The agent for the applicant states that the testi-
mony in each of these cases shows that Peter McAllister, the husband
of Rebecca McAllister, the woman, and father of these children's
mother, was admitted to citizenship when these children's mother
was nothing but a very small girl; and her name by some mistake was
left off the 1880 roll while her brothers and sisters are upon the
1880 roll.

Arthur G. Croninger, being first duly sworn, states that as
stenographer to the Commission to the Five Civilized Tribes he re-
ported in full the proceedings in the above case, and that the
 foregoing is a true and complete transcript of his stenographic notes
thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 23rd day of April, 1902.

[Signature]
Notary Public.

Lucinda Hornbuckle

1911

A Original testimony Oct 24 1900

B Memo of application Oct 24-1900

C Marriage license and certificate

D Receipt for testimony

E Test from Oliver L. Hornbuckle ¹⁹²⁴

Birth affidavit Mamie Hornbuckle
Notice of final consideration, 3/7/02

Sept. 12, 1902
transferred to #9610

Transferred to #9610, August 11, 1902

Cher D 694

Cher D 694

[illegible]

1. The first part of the document is a letter from the author to the editor, dated 1910. The letter discusses the author's interest in the history of the city and the need for a comprehensive history of the city.

1. 1907, 8. Kuba and 1910.

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COMMISSIONER OF THE GENERAL LAND OFFICE
OCT 24 1900

AT THE CHURCH

Department of the Interior,
Commission to the Five Civilized Tribes.
Claremore, I. T., October 24, 1900.

In the matter of the application of Leonard Ross for the enrollment of himself and two children as Cherokee citizens; he being sworn and examined by Commissioner G. R. Breckinridge, testified as follows:

- Q Give me your full name? A Leonard Ross.
Q How old are you? A About 41 I guess.
Q What is your postoffice? A Inola.
Q You live in Cooweescoowee district? A Yes sir.
Q Who do you want to have put on the roll; yourself and family? A
A Myself and two boys; one son and a step-son.
Q Are you a Cherokee by blood? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father? A John Ross.
Q Is he dead? A Yes sir.
Q Give me the name of your mother? A Malinda Ross.
Q Is she dead? A Yes sir.
Q Give me the name of your own child? A James Ross.
Q How old is he? A Twelve years old.
Q What's the name of the mother of this child? A Eliza.
Q Is she dead? A No, we are divorced.
Q Is she a Cherokee or white woman? A White woman.
Q When did you marry her? A I don't remember, it must have been
somewhere about '70; maybe since then, maybe '80. It was about 15
years ago.
Q How long did you live with her? A About 3 years I guess.
Q Did you ever get a divorce from this woman? A Yes sir.
Q What evidence have you got that you married this woman; have
you a certificate of marriage? A No sir.
Q Can you get one? A I can get one if it is necessary.
Q When were you divorced from her, do you know? A I don't re-
member, I guess it was about '88, I reckon.
Q Have you ever been married since you married this woman? A Yes
sir.
Q When were you married last? A I was married a year after I
was divorced from her.
Q This is the child of your first marriage? A Yes sir.
Q Give me the name of your step-son? A Thomas Raper.
Q How old is that child? A 16.
Q Is that the child of your present wife? A Yes, she's dead now.
Q Been married only twice? A That's all.
Q Was your wife Eliza ever married except to you? A No.
Q Give me the name of your last wife, the mother of Thomas Raper?
A Jennie.
Q Was she a white woman or Cherokee? A I suppose she was a white
woman.
Q When did she die? A Last January 12th.
Q When did you marry her? A About '89, I guess.
Q Have you a certificate of that marriage? A No.
Q What's the name of the father of this child? A William Raper.
Q Was he a Cherokee? A Yes sir.
Q Is he dead? A Yes sir.
Q When did he die? A I don't remember; he's been dead about
ten years; maybe longer.
Q When was he married to your wife, Jennie? A He's got a son
twenty-five years old.
Q You don't know when he was married? A No sir.
Q How old was your wife, Jennie, when she died? A 47 I believe.
Q How old was William Raper when he died? A About 32 or 3 I
guess; I don't know.
Q You say they have older children than this one? A Yes sir, they
have one boy 25 years old.
Q They were married then before 1890? A Yes sir, they had four
children in the family.

2-1,2.

Q Did you ever have any other children by your wife, Eliza except this child, James? A Yes, I had two.

Q How old was the oldest? A Is this the youngest? A Yes, that's the youngest. The oldest would have been about 18 or 19 years old.

Q You say your wife Eliza was never married except to you? A No sir.

Q And your wife Jennie was never married but once before she married you? A Yes.

Q And that husband was dead when she married you? A No, he wasn't dead; they were divorced. He died about six months after that.

1880 roll; page 577, #1681, Leonard Ross, Illinois Dist.

1886 roll; page 573, #1522, Wm. Raper, " "

1880 roll; page 573, #1522, Jane Raper, " "

1896 roll; page 238, #3924, Leonard Ross, Ooowessocowee.

1896 roll; page 238, #3927, James Ross, Ooowessocowee.

1894 roll; page 289, #3700, Thomas Raper, Ooowessocowee.

Q You know of any reason why this boy, Thomas Raper is not on the roll of 1896? A He is likely to have been fr om Illinois Dist. I don't know why it is then.

Q He was living in the Cherokee Nation then? A Yes sir.

Q This child is not be your wife, Eliza? A No, James is.

Q Have you anyone here who knew that you and your wife Eliza lived together as husband and wife? A Nobody in Claremore. I can go to Tahlequah or Ft. Gibson.

Q Nobody here who knew you at the time of your marriage to her? A No.

Commissioner-

The applicant applies for the enrollment of himself, one child, and a step-child. He is identified on the rolls of 1880 and 1896 as a native Cherokee. He has lived in the Cherokee Nation all his life, and he will be listed for enrollment as a Cherokee by blood. His step-child, Thomas Raper, is a child of his last wife by a former husband. This child is identified on the roll of 1894. He is now 16 years old. He is not identified on the roll of 1896, but his mother and father are identified on the roll of 1880. The child has lived in the Cherokee Nation all his life. His omission from the roll of 1896 could only have been from oversight. No doubt is entertained as to the right of this child to enrollment, and Thomas Raper will be listed for enrollment as a Cherokee by blood. The applicant's own child, James Ross, is he states a child by his first wife, a white woman. She was never married prior to her marriage to him, and he wasn't married prior to his marriage to her. He is not able to establish in a satisfactory manner the date of his marriage, nor does he present a license, nor does the record show the fact of marriage. He states that he and that wife lived together some three years and then separated. In order that he may produce his marriage license, or satisfactory personal testimony, relating to this marriage, this child, who is identified on the roll of 1896, and is now twelve years old, will be placed upon a doubtful card.

E.G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and correct translation of his stenographic notes in said case.

Subscribed and sworn to before me this 25th day of October, 1906.

E. G. Rothenberger
Commissioner

W. L. Raper
Witness

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
FEB 26 1901

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ACTING CHAIRMAN

SUPPLEMENTAL TESTIMONY.

D. 1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MURKOOK, I.T., FEBRUARY 21st, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
JAMES ROSS as a citizen of the Cherokee Nation.

FRANK SMITH being sworn and examined by Commissioner Needles,
testified as follows:

- Q What is your name? A Frank Smith.
Q What is your age, Mr. Smith? A 54 years old.
Q What is your post office address? A Fort Gibson.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Do you know James Ross? A Yes, sir.
Q What is his father's name? A Leonard Ross.
Q What is his mother's name? A Klisa.
Q Do you know whether they were married or not? A Yes, sir.
Q How do you know it? A I was at their wedding.
Q Where were they married? A About three miles west of Fort
Gibson right close to me.
Q Who married them? A Tuxey Brown was Clerk of Illinois dis-
trict.
Q Is Tuxey Brown and Leonard Ross living? A Leonard Ross is
living.
Q Did Leonard Ross live with her until she died? A They separated.
Q Is she a citizen by blood? A No, sir.
Q Was James Ross born to them before they were separ-
ated? A Yes, sir.
Q Is Leonard Ross a Cherokee citizen by blood? A Yes, sir.
Q But Klisa Ross was not? A No, sir.
Q You are satisfied that James Ross was born to them before they
separated? A Yes, sir.
Q How old is he now? A He must be in his fourteenth years; he
was born and raised right by me.

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J. O. Reason, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes, he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic
notes thereof.

J. O. Reason

Subscribed and sworn to before me this 23d day of February, 1901.

[Signature]

Commissioner.

O. B-494

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 7, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
James Ross for enrollment of himself as a Cherokee citizen.

Appearances:

Joe M. Lahay, Claremore, I. T., attorney for applicant;
W. V. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: Applicant's father, Leonard Ross, was notified
by registered letter February 17, 1902, that the application
of his son, James Ross, for enrollment as a citizen of the
Cherokee Nation, would be taken up for final consideration by
the Commission at its offices in Muskogee, Indian Territory,
April 4th, 1902; receipt has been acknowledged of the Commission's
letter and the applicant this day, appears by his attorney, Joe
M. Lahay, Claremore, I. T.

The attorney for the applicant and the representative of
the Cherokee Nation present submit the case and same is ordered
closed and reported to the Commission for final decision based
upon the evidence now of record.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M. D. Green

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
James Ross as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 24, 1900, Leonard Ross appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment, among others, of his minor child James Ross as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory on February 21, 1901 and on March 7, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that James Ross is the minor child of Leonard Ross, a Cherokee citizen by blood, and Eliza Ross a white woman, and that the parents of the child James Ross, were lawfully married prior to his birth. No certificate of the marriage is filed, but the same is established by personal testimony. It further appears that James Ross was born in lawful wedlock. The said James Ross is identified on the Cherokee Census Roll of 1896.

The evidence further shows that James Ross was born and raised in the Cherokee Nation, and that he was a resident of said Nation at the date of the application herein.

It is, therefore, the opinion of this Commission that James Ross should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


 Acting Chairman.


 Commissioner.


 Commissioner.

Muskogee, Indian territory,

this 28 1902

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKENRIDGE.

ALLISON L. AYERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 694.

Muskogee, Indian Territory, August 18, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 18, 1902, granting the application of Leonard Ross for the enrollment of his minor child, James Ross, as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 17.

IN THE MATTER OF THE APPLICATION OF

James Ross
FOR ENROLLMENT AS
CHEROKEE CITIZENS.

James Ross

Original testimony Oct 24-1900
3. Mem. of application Oct 24-1900
Supplemental testimony, Feby. 21, 1901.
Notice of final consideration, 3/7/02
E. Receipt for testimony
Order closing testimony 3/7/02

Sept 15, 1902 Cancelled and
transferred to Cherokee Jacket 4084,

See Cherokee Jacket 4084,
1853-

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Cher D 675

Cher D 695

1900.

Subscribed and sworn to before me

at San Francisco, California, this 24th day of October, 1900.

[Signature]

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[Handwritten notes and scribbles]

and put the same to rest. The Commission to the State of California, created by the Legislature of 1899, has the honor to acknowledge the receipt of the same and to inform you that the same have been forwarded to the proper authorities for their consideration.

The Commission to the State of California,

has the honor to acknowledge the receipt of the same and to inform you that the same have been forwarded to the proper authorities for their consideration.

The Commission to the State of California, created by the Legislature of 1899, has the honor to acknowledge the receipt of the same and to inform you that the same have been forwarded to the proper authorities for their consideration.

The Commission to the State of California, created by the Legislature of 1899, has the honor to acknowledge the receipt of the same and to inform you that the same have been forwarded to the proper authorities for their consideration.

and put the same to rest.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE STATE OF CALIFORNIA
FILED
OCT 24 1900

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Claremore, I.T. October 24th, 1900.

IN THE MATTER OF THE APPLICATION OF EUGENE W. LEWTHOR FOR THE ENROLLMENT OF HIMSELF, HIS WIFE AND CHILDREN AS CHEROKEE CITIZENS.

The said Eugene W. Lewther, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Eugene W. Lewther.
Q How old are you? A I am thirty years old.
Q What is your post office? A Claremore.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee nation? A Yes, sir.
Q By blood or intermarriage? A By blood.
Q Who do you want to enroll? A I want to enroll myself and wife and two children.
Q What is the name of your wife? A Josie.
Q Is she a citizen by blood? A No, sir.
Q Have you any certificate of marriage? A No, sir.
Q What was her name before you married her? A Ligen.
Q How old is she? A She is twenty years old.
Q What are the names of your children? A Jennie Lee.
Q How old is she? A Three years old.
Q The name of the next child? A Sammie.
Q How old is Sammie? A She is two years old.
Q The name of the next child? A That is all.
Q What is the name of your father? A Watson Lewther.
A Is he living? A No, sir.
Q What is the name of your mother? A Jane Lewther.
Q Is she living? A Yes, sir.
Q Your name does not appear on the roll of 1890.
A Well, I am on the roll of 1896.
Q Why ain't you on the roll of 1890? A I can't tell you. I ought to have been on there.
1896 Roll, page 198, No. 2508, Eugene Lewther, Cooweescoowee District.
1896 Roll, page 313, No. 611, Josie Lewther, Cooweescoowee District.
Q When were you married? A I was married in 1894.
1890 Roll, page 133, No. 1746, Jane Lewther, Cooweescoowee District.
Q Is that your mother? A Yes, sir.
Q Is she living? A Yes, sir.
Q Have you any proof of birth as to these two children? A No, sir.
Q Who married you? A Judge Schrimphor.
Q Where is he? A I seen him right there on the stairway just now.
Q Are these children alive and living with you? A Yes, sir.
Q Is Josie your first wife? A Yes, sir.
Q Are you her first husband? A Yes, sir.

THE COMMISSIONER: The name of Eugene W. Lewther appears upon the

census roll of 1896 as Eugene Leather, but cannot be found on the authenticated roll of 1900. He avers that he has two children, Jennie L. and Sammie, whose names do not appear upon the census roll of 1896 and he presents no satisfactory proof of birth. The name of his wife Jessie appears upon the census roll of 1896.

The applicant makes no proof of citizenship. Final judgment as to the enrollment of the said Eugene W. Leather and his wife Jessie and his two children named herein, will be suspended and their names will be placed upon a doubtful card. It will also be necessary for the applicant to file satisfactory proof of marriage and a certificate of the birth of his two children.

-----o-----

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 25th day of October A. D. 1900.

Chas. H. H. H. H.
C. H. H. H.

Commissioner.

Department of the Interior
Commission to the Five Civilized Tribes.
Glenmore, L. T., October 28th, 1900.

In the matter of the application of Eugene W. Lowther for the enrollment of himself and others; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

SUPPLEMENTARY TESTIMONY.

- Q Give me your full name? A Eugene W. Lowther.
- Q How old are you? A I'm 30 years old.
- Q What is your postoffice? A Glenmore.
- Q In what district do you live? A Cooweescoowee district.
- Q You applied here before for enrollment of yourself and family?
- A Yes sir, yesterday.
- Q I find on looking at your card that you need to supply proof of marriage, and you appear to have filed that? A Yes sir.
- Q You filed your marriage license and certificate? A I didn't need any license I was told.
- Q What did you file? A The certificate I filed. The judge he married me and I thought I did not need any license.
- Q Is your wife a Cherokee? A No sir, she's a white woman.
- Q You're a Cherokee? A Yes sir.
- Q There seems to be another trouble about you and that was proof of your citizenship; you were identified on the roll of 1896?
- A Yes sir.
- Q But not on the roll of 1880; what can you show in regard to your citizenship? A I want to show that I am an Indian and that I got a right here.
- Q But that kind of evidence is not of any force now; this is not a court to admit you to citizenship, but to enroll you if you have already been admitted to citizenship. A I tell you they asked me yesterday if I was on the 1880 roll; well, I wasn't on the 1880 roll; they asked me why and I told them I did not know. They asked me if I had been readmitted; I told them no yesterday. I found out since that I was readmitted list; maybe you can find that on that roll.
- Q Under what name do you think you were readmitted? A Eugene Lowther.
- Q And what time do you think you were readmitted? A I couldn't tell you.
- Q Who were you readmitted with? A With my mother and Mr. Isabelle's wife.
- Q Where were you born? A I was born in Ochetopa.
- Q Is that in the Cherokee Nation? A No sir, that's in Kansas.
- Q When did you come to the Cherokee Nation? A Some time in — it was while I was small.
- Q Were your people Cherokees, or Delawares, or Shawnees? A Cherokees.
- Q Sure they weren't Delawares or Shawnees? A I am sure they were not; they are Cherokees.
- Q What kin is Jane Lowther to you? A She is my mother.
- Q Is she dead now? A No sir.
- Q She's alive is she? A Yes sir.
- Q Where is she living? A About six or seven miles from here.
- Q How old is she? A I don't know how old she is.
- Q Do you think she is sixty or seventy years old? A Yes, she's that old.
- 1880 roll; page 135, #1748, Jane Lowther, Cooweescoowee.
- Q You say that is your mother? A Yes sir, that's my mother.
- Q You have lived in the Cherokee Nation ever since your mother brought you here as a child? A Yes sir.
- Q And your mother has lived here all the time and was enrolled here yesterday? A Yes sir.
- Q You were never married except to your present wife, were you?
- A No sir.

2- N.W.1.

Q Was she ever married except to you? A No sir.

Q You tell me you filed a certificate there of your marriage? A Yes sir.

Commissioner-

It appears from the present examination that the applicant was brought to the Cherokee Nation when a child by his mother prior to the year of 1880. His mother is identified on the roll of 1880 as a native Cherokee, and she has been admitted to enrollment as a present resident of the Cherokee Nation as a native Cherokee. On the roll of 1880, there is identified the different members of this family and it is not understood how the applicant's name would have been left off of the roll except by neglect or oversight. Evidence adduced in his case is considered sufficient to establish his citizenship at the present time, and in the absence of any contradictory testimony, when his case is reached in regular order, it will be transferred to a regular enrollment.

Witness, J. G. Schrimsher, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q How old are you? A About 65.

Q What is your postoffice? A Claremore.

Q How long have you lived in the Cherokee Nation? A About 64 yrs.

Q You have been Judge of this district have you? A Yes sir.

Q You know this applicant here, Eugene Lowther? A Yes sir.

Q You know his mother? A Yes sir.

Q How long have you known his mother here? A Something about '80 I guess.

Q He's been here all the time has he, this applicant? A I think so.

Q You have never known of him being away? A No sir.

Q Do you know of any reason why he should not be upon the roll of 1880 with the balance of his family; he being then a child, except through oversight or neglect? A I can't see any other reason.

Q You performed the marriage ceremony between this man and his wife did you? A Yes sir.

Q You know that he was duly married to his wife Josie, the woman that is his wife now? A I don't know her name; I suppose so, I don't know whether he has another one now or not.

Q You never heard of any trouble between them? A No sir.

Q You never heard of him marrying except to this woman? A No sir.

Q You never heard of her marrying except to him? A No sir.

E. G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

E. G. Rothenberger

Subscribed and sworn to before me this 25th day of October, 1900.

W. D. Green
Notary Public.

2698

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE PACIFIC COAST INDIANS

RECEIVED
MAR 20 1902

OTHER CHAIRMAN

R
C. D-696

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 7, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Robert L. Waybourne for the enrollment of himself, wife and children
as Cherokee citizens.

Appearances:

Joe M. Lahay, Claremore, I. T., attorney for applicants;
W. V. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant and his attorney were notified
by registered letter February 17, 1902, that the application
of Robert L. Waybourne for the enrollment of himself, wife and
children as citizens of the Cherokee Nation would be taken
up for final consideration by the Commission at its offices
in Muskogee, Indian Territory on the 7th day of March, 1902.
Receipt has been acknowledged of the Commission's letter, both
by the applicant and by his attorney. The applicant this day,
to-wit: the 7th day of March, 1902, appears by his attorney,
Joe M. Lahay.

The attorney for the applicant and the representative
of the Cherokee Nation present submit the case, and same is
considered completed and will be reported to the Commission
for final decision based upon the evidence now of record.

The attorney for the applicant requests and will be
granted 15 days in which to file a brief in the case, one
copy with the Commission and one copy with the representative
of the Cherokee nation.

I, M. D. Green, do hereby certify that as stenographer to the Commis-
sion to the Five Civilized Tribes I correctly recorded the testi-
mony and proceedings in this case and that the foregoing is a true
and complete transcript of my stenographic notes thereof.

M. D. Green

R

C. D-696

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 7, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Eugene W. Lowther for the enrollment of himself, wife and children as Cherokee citizens.

Appearances:

Applicant in person;

W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 17, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 7th day of March, 1902. Receipt has been acknowledged of the Commission letter and the applicant this day, to-wit: the 7th day of March, 1902, appears in person.

EUGENE W. LOWTHER, being first duly sworn and being examined testified as follows:

BY COMMISSION:

- Q What is your full name? A Eugene W. Lowther.
Q Where do you live? A Claremore.
Q How old are you? A I am 30 years old.
Q You are an applicant before the Commission for enrollment as a citizen of the Cherokee Nation? A Yes sir.
Q You also apply for the enrollment of your wife and children?
A Yes sir.
Q Is there any statement you desire to make relative to the enrollment of yourself? A No sir.
Q Do you submit the case to the Commission for final consideration? A Yes sir.

BY COMMISSION: The applicant and the representative of the Cherokee Nation present submit the case and same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D. Green

COMMISSION OF THE INTERIOR
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 1st, 1903.

In the matter of the application of Eugene W. Lowther for the enrollment of himself as a citizen by blood of the Cherokee Nation; for the enrollment of his wife, Jessie Lowther, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his children, Jennie L. and Sammie Lowther, as citizens by blood of the Cherokee Nation.

Supplemental to D-496.

Appearances:

Applicant appears in person.
Cherokee Nation by J. C. Starr.

EUGENE W. LOWTHER, being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. Eugene Lowther.
Q. Eugene W. A. Yes, sir.
Q. What is your wife's name? A. Jessie.
Q. What is your post office? A. Inola is my post office now. Claremore, it was.
Q. What is your wife's age at this time? A. I think she is 24.
Q. What is your age? A. My age is--I was born in '76.
Q. 32. A. 32, yes, sir.
Q. Is Jessie the same person for whom you made application for enrollment as an intermarried citizen on October 24th, 1902?
A. Yes, sir.
Q. When were you and Jessie married? A. We was married the 25th day of December, '04.
Q. Were you ever married prior to your marriage to Jessie?
A. No, sir.
Q. Was she ever married prior to her marriage to you?
A. No, sir.
Q. You are her first husband, she is your first wife?
A. Yes, sir.
Q. Have you and her lived together as husband and wife continuously ever since your marriage to the present time? A. Yes, sir.
Q. Living together on the first of September, 1902? A. Yes sir.
Q. You never have been separated? A. No, sir.
Q. How long have you lived in the Cherokee Nation? A. I was raised in the Cherokee Nation.
Q. Have you lived here all your life? A. Yes, sir.
Q. How long has Jessie lived in the Cherokee Nation? A. 9 years.
Q. She has lived all the time since you were married in the Cherokee Nation? A. Yes, sir.
Q. Are these children, Jennie L. and Sammie, alive now? A. Yes, sir. We have another child.
Q. Born and lived all their lives in the Cherokee Nation?
A. Yes, sir.
Q. You say you have got another child? A. Yes, sir, but it is enrolled. I sent it down. I got a letter saying it was enrolled.

James G. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

James G. Carr
Subscribed and sworn to before me this 25th day of October, 1902.

B. C. Jones
Notary Public.

Cherokee D-698.

JH
OF

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Eugene W., Jennie L., Sammie and Willie Eugene Lowther as citizens by blood of the Cherokee Nation, and for the enrollment of Josie Lowther as a citizen by intermarriage of the Cherokee Nation.

-- -- -- -- --

DECISION.

The record in this case shows that on October 24, 1900, Eugene W. Lowther appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment of himself and his two minor children, Jennie L. and Sammie Lowther, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Josie Lowther, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Claremore, Indian Territory, on October 25, 1900, and at Muskogee, Indian Territory, on March 7, 1902, and again on October 1, 1902.

The said Eugene W. Lowther is a Cherokee by blood. He is not identified on the 1880 Authenticated Tribal Roll of the Cherokee Nation, but his mother is identified on that roll as a native Cherokee.

The said Eugene W. Lowther is identified on the 1894 Pay Roll of the Cherokee Nation and on the 1896 Census Roll of the Cherokee Nation as a native Cherokee.

The evidence shows that the said Eugene W. Lowther was lawfully married to Josie Ligen in the year 1894. No certificate of this marriage is filed, but the same is established by personal testimony. The said Josie Lowther is identified on the 1896 Census Roll of the Cherokee Nation. Her three minor children are too young to be upon any tribal roll of the Cherokee Nation, but they are identified by birth affidavits, made a part of the record herein.

The evidence further shows that Eugene W. Lowther has lived in the Cherokee Nation continuously since he was a small child, and that Josie Lowther has lived with her said husband in said Nation continuously from her marriage to him up to and including September 1, 1902. The minor children have lived in the Cherokee Nation continuously since birth, and were residents thereof at the date of the application herein.

It is, therefore, the opinion of this Commission that Eugene W. Lowther, Jennie L. Lowther, Sammie Lowther and Willie Eugene Lowther should be enrolled as citizens by blood of the Cherokee Nation, and that Josie Lowther should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Dated at Muskogee, Indian Territory, _____

Commissioner.

this DEC 10 1902

COMMISSIONERS
HENRY L. DAWKINS,
TAMM BIXBY,
THOMAS B. NEELY,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee B-495.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 15, 1902.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Eugene W. Lowther for the enrollment of himself and his three minor children, Jennie L., Sammie and Willie Eugene Lowther, as citizens by blood, and for the enrollment of his wife, Josie Lowther, as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. H-205.

D-693

IN THE MATTER OF THE APPLICATION OF

Eugene W. Louthen et al.

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

FEB 28 1902

FEB 28 1902 His matter is
on 880 roll - He was
about 10 years old
in 880. JCS

~~Eugene W. Louthen~~

~~et al.~~

~~A. Original testimony. (Oct 24, 1900)~~

~~B. Memo. of application. (Oct 24, 1900)~~

~~C. Supplemental testimony. (Oct 25, 1900)~~

~~D. Affidavits of witnesses of marriage.~~

~~E. Affidavit of birth Jennie Louthen~~

~~F. Affidavit of birth Sammie Louthen~~

~~G. Notice of final consideration 3/1/02~~

~~H. Receipt for testimony.~~

~~I. Order closing testimony 3/1/02~~

~~J. Certificate of citizenship~~

~~K. Certificate of citizenship~~

~~L. Certificate of citizenship~~

~~M. Certificate of citizenship~~

~~N. Certificate of citizenship~~

~~O. Certificate of citizenship~~

Cher D 696

Cher D 696

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I.T., October 25, 1906.

In the matter of the application of John Davis for the enrollment of himself, wife and children as Cherokee citizens, being sworn and examined by Commissioner Brackinridge he testified as follows:

- Q Give me your full name? A John Davis.
Q Have you any middle name? A No sir.
Q How old are you? A 54.
Q What is your post-office? A Claremore.
Q Is Coowasee your district? A Yes sir.
Q Who is it your want to enroll, yourself and family?
A Me and my wife and 2 children.
Q Are you a Cherokee by blood? A Yes sir.
Q What is your wife? A She is a white woman.
Q How long have you lived in the Cherokee Nation? A Since the spring of 1893.
Q You are, you say, an admitted citizen? A Yes sir.
Q Been admitted by the Cherokee Commission? A Yes sir.
Q ~~xxxxxx~~ Were you formerly known as John Davis Jr.? A Yes sir, I had an uncle older than I was.
Q Have you a wife named Julia? A No sir, she is my oldest daughter.
Q Is your wife dead that you had at that time? A No sir.
Com'r: The applicant presents a duly authenticated certificate of admission to Cherokee citizenship, showing that on the 7th of April 1897 he, John Davis Jr. was admitted to citizenship by the Cherokee Commission, his age at that time being given as 40 years. This is identified as official evidence of his admission as stated; and the document is returned to the applicant.
Q You were admitted then in 1897, and you came here in 1893?
A Yes sir, I came here before then, but I moved here in 1893.
Q How long have you lived here since 1893? A Yes sir.
This has been my home ever since 1893.
Q Give me the name of your wife? A Ruth A. Davis.
Q How old is she? A I expect to the best of my knowledge she is about 51.
Q When were you married to her? A It was '87 or 8.
Q Were you ever married except to her? A No sir.
Q Was she ever married except to you? A No sir.
Q She has lived with you ever since your marriage to her? A Yes sir.
Q Were you ever re-married to her under Cherokee law after your admission to citizenship? A No sir.
Q Give me the names of your children? A (Hands Com'r list of names)
Q Mary, that is the oldest child? A Yes sir, she is the one that is at school.
Q How old is Mary? A She is 23 years old.
Q Give me the name of the next child? A Burwell M., 19 years old.
Q These children are both living now? A Yes sir.
Com'r: On the certificate previously referred to there is found the name of Mary Davis, and also Burwell M. Davis, there ages being given at that time as 19 and 6 years respectively.
Q These are the names of the two children for whom you apply? A Yes sir.
Com'r: This is recognized as official evidence of the admission of these 2 children of the applicant.
1906 roll examined for the applicant and family and not found;
Q Why didn't they enroll you in 1896? A I supposed they did, sir.
Q Did you give in the names of yourself and family? A Yes sir.

1894 roll Age 178 #1369 John Davis Cherokee Nation Dist;

1894 roll page 178 #1371 Mary Davis

1894 roll page 178 #1373 Russell Davis

Q Have you remained all the time, you and your family, in the Cherokee Nation since you came here in 1893? A Remained here all the time except when I was away on business.

Q Where did you go on business? A Went to Georgia.

Q What kind of business did you have there? A I was executor of an estate.

Q When did you go to Georgia on that business? A Well sir I was there several times.

Q When did you go there first? A I believe sir I went there in the winter of 1893 and the winter of 1894.

Q When you went there in the winter of 1893 how long did you stay there? A Probably a month or two.

Q When you went there in the winter of 1894 how long did you stay there? A Probably the same time, I don't remember.

Q Have you kept your family here ever since you came in 1893?

A They have been here most of the time, only in school.

Q Where has your wife been since 1893? A She has been here most of the time; she is a sickly woman and she was in Georgia some and sometimes at Hot Springs.

Q Did you acquire property after you came here? A Yes sir.

Q What property? A I have that house right across the street there.

Q Did you have a farm here in the country? A I have bought two farms here, in 1894.

Q Do you still own these farms? A Yes sir.

Q Have you continued to own these farms all the time?

A Yes sir, I have hogs and horses, the same as other farmers.

Q Did you go back to Georgia for the purpose of winding up the estate for which you were administrator? A That's all I went for sir.

Q Did you exercise the rights of suffrage back there in Georgia?

A No sir.

Q Never voted there? A No sir, I always voted in this country.

Q You were here with your family in the Cherokee Nation during the year 1896 were you? A Yes sir, some of them were in school.

Q I mean those that were not in school-- that were living at home with you? A Yes sir.

Q Did you give in your name to the Cherokee authorities in 1896 to be enrolled? A Yes sir.

Q Why did you understand you were not permitted to be enrolled upon that roll? A I understood sir that I never had lived here in this country.

Q You understood that was urged against you? A Yes sir.

Q Do you think there is any justice for that reason? A I do not;-- in fact, I know there is not; I have been living here as a citizen here in the country.

Q Where has your wife made her home principally since you came here in 1893? A She has made her home here with me.

Q Was she staid here most of the time? A Yes sir, she has been here more than she has in Georgia.

Q You say she is a delicate woman and has to travel for her health?

A Yes sir.

She stays at Hot Springs part of the time.

Q She has recently returned to the Cherokee Nation hasn't she?

A Let me see,-- if I could tell you the time-- early part of the summer of last spring.

Q Have you ever removed your household effects back to Georgia since you came here in 1893? A No sir.

Q You have kept a residence here all the time? A Yes sir, I haven't got anything anywhere except here, everything I have got is in this country.

Examined by Cherokee Agent J. L. Baugh:

Q Did you make application to the census takers in 1896 to place your family and yourself on the roll? A Yes sir.

Q What was their answer? A I don't remember; to the best of my knowledge and recollection they said they would put me on a doubtful list, or something that way.

Q Who were those census takers? A I believe it was Mr. Riley.

Q Mr. Jack Riley and Joe Saquinie, wasn't it? A Yes sir.

Q They refused to enroll you and when you applied to Arch McCoy and they placed your name on the roll? A Yes sir, Mr. McCoy said he knew I had once lived here and he put me on the roll; that's what he says.

Q And then when they appeared before council, the revising committee struck it off; isn't that correct? A It may be, I don't know.

Gen'l Breckinridge: The applicant applies for the enrollment of himself, his wife and two children; he is shown to have been admitted to Cherokee citizenship and also the 2 children embraced in this application, in 1887; he states that he moved here with his family in 1893, and that he and his family have made the Cherokee Nation constantly their home ever since; he is identified on the roll of 1896, and also his two children in this application, but neither of them are identified on the roll of 1896; he states that he returned to Georgia at different times to wind up an estate of which he was left executor, but that he did not move his household effects back there, nor did he ever exercise any of the rights of citizenship in Georgia after taking up his residence as stated in the Cherokee Nation; his wife, he states, is an invalid, and he has had to send her away frequently for her health, and he thinks he was denied enrollment in 1896 under a misapprehension of the case; he is permitted to apply for his older child, Mary who has reached her majority, because she is at school and cannot conveniently apply for herself at this time. No valid reason is seen in the present examination for the exclusion of this applicant and his family, but in as much as they were denied enrollment in 1896 by the Cherokee authorities they will at present be placed upon a doubtful card, for further consideration by the whole Commission, the applicant and his two children being classed as Cherokees by blood, his wife being classed as a Cherokee by adoption; it is desired also to call attention to the point that his wife was not re-married to him after his admission in 1887, but they have lived together ever since their marriage, and neither were ever previously married.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes the recd.

M. D. Green

Subscribed and sworn to before me this 25th day of October 1900.

[Signature]

Commissioner.

THE PAPER CO.

RED TRIBES

FILED
NOV 12 1901

CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 28th 1901.

In the matter of the application of John Davis, et al., Cherokee
Doubtful case No. 896.

SUPPLEMENTAL TESTIMONY

Appearances:

W. F. Hastings for the Cherokee Nation.
L. F. Parker for the applicants.

JOE L. GIBBS, being first duly sworn by Commissioner T. B. Needles,
testified as follows for the applicants:

(By Mr. Parker)

Q State your name? A Joe L. Gibbs.
Q Where do you live? A In Claremore.
Q What is your age? A 37.
Q How long have you lived in Claremore? A Since '93.
Q Do you know John Davis? A Yes sir.
Q When did you first become acquainted with him? A In '92.
Q Whereabouts? A Claremore.
Q Do you know Mr. Davis' favorite past time in the fall and spring?
A Fishing and hunting.
Q Do you engage in that sport yourself? A Yes sir.
Q From '92 to the present time how often have you gone fishing and
hunting with John Davis? A From one to three times a year.
Q Since 1892 where has Mr. Davis made his home, if you know? A In
Claremore.
Q Do you remember when he bought his first property in Claremore?
A In '93 or '4.
Q What did he buy then? A He bought a lot.
Q What did he do with that lot? A Built him a house on it.
Q From that time on state where Mr. Davis lived up to say 1898—in
what house did he make his home? A In Claremore in a house he built
there on that lot.
Q Did he also occupy or buy property in the country? A Yes sir he
bought a farm on the Verdigris river near Claremore.
Q When did he buy it? A In '94.
Q Did he occupy that farm from '94? A Well he raised hogs and raised
crops off that farm.
Q Do you remember of his going back to Georgia? A Yes sir.
Q Do you remember a conversation had with him in the year 1898 where
Mr. Davis then lived about his return to Georgia and as to whether
or not he intended to exercise the elective franchise in Georgia at
the Presidential election?

(By Mr. Hastings)

Objected to by the Cherokee Nation because
the same is purely hearsay and in the interest of the applicant.

(By the Commission) The objection will be noted.

(By Mr. Parker)

Q State if you recollect it? A Yes sir.

(By Mr. Hastings)

The representative of the Cherokee Nation objects
to this what was said in that conversation because it was a declara-
tion made by the applicant in in his own interest, and is purely
hearsay.

(By the Commission) The objection will be noted.

(By Mr. Parker)

Q Did he make any statement as to his citizenship in that conver-
sation? A Yes sir.

Q What did he say? A He was out in the Osage country hunting and he

wanted to get back as he said he had to make a trip to Georgia, and I said to him that if he got back in time he could vote for the President and he said "I don't vote in Georgia, I only vote in the Cherokee country."

Q Have you attended the elections at Claremore since '89? A Yes sir.

Q Do you know if he has voted in any of the Cherokee elections held there since he has been in the Cherokee Nation? A I think he has.

Q Was he ever challenged that you know of? A No sir.

Q Of your knowledge, was Mr. Davis ever absent from the Cherokee Nation from '84 on to the present time as much as six months at a time? A No sir I have been with him nearly all the time and never missed him that much.

(By Hastings)

Q You first knew him in '83? A Yes sir.

Q Do you know his wife? A Yes sir.

Q When did you first learn to know her? A I don't remember when it was I don't know much of her.

Q You don't remember when you first saw her? A Yes sir along in '83 or '84, maybe in '85, no it was in '83, the time we was in the Osage country, because she had a pass and it was about to run out.

Q From Georgia here? A Yes sir.

Q She had a round trip ticket from Georgia here and it was about to run out? A Yes sir.

Q When did you next see her? A From that time on ever two or three months.

Q When did they first commence keeping house at Claremore or near there? A In '83 or '84.

Q You say that Davis said he only voted in the Cherokee Nation and didn't have a vote in Georgia? A Yes sir.

Q He was never in the Cherokee Nation at election time before that was he? A No sir not that I knew of.

Q Was there any election in the Cherokee Nation in '89? A No sir.

Q He wasn't here in '91 was he? A No sir.

Q When did you ever see him vote? A I never saw him directly vote, but I saw him walk into the polls.

Q When? A Several times.

Q Do you remember the year? A I don't believe I do remember the year, never kept no track.

Q Did he or his wife keep house there in '93? A I think in '93 or '94

Q How long did they continue to keep house there? A I don't know—keeping house there now.

Q Did they continue to keep house there continuously from '83 to the present time? A I don't know.

Q What has been your relations with Mr. Davis? A I have been with him most of the time.

Q You live in town don't you? A Yes sir.

Q What was the size of the town in '93? A About 600.

Q So far as you know she has lived there continuously since '83 or '94? A The bigger part of the time his wife has been there, but then she has been away some for her health, she was in Hot Springs and back to Georgia but not for any great length of time.

Q You spoke of them purchasing some property, is that the time they bought a home in '83 or '94? A Yes sir.

Q Has he continued to own that from that time until now? A He did until about a year ago when he sold it and bought him another one.

ROBERT L. HILL being sworn by Com'r T. B. Needles, testified as follows for the applicants:

(By Mr. Parker)

Q What State your name? A Robert L. Hill.

Q Where do you live? A Claremore.

Q How old are you? A 35.

Q How long have you lived in Claremore? A Since '88 or '9.

Q Do you know John Davis? A Yes sir.

Q When did you first become acquainted with him? A He is my uncle— as long as I can recollect.

Q What relation did you say he was to you? A He is my uncle, my mother's brother.

Q What business were you engaged in in Claremore in '95? A In the General Merchandise business.

Q Did you have any business transactions with Mr. Davis in '95? A Yes sir.

Q What was it? A I sold him hardware for his house and also sold him furniture and sold him groceries.

Q Did he, after that, occupy a house there? A He did for quite a while I can't tell how long.

Q Did he have any married children there subsequent to that? A Yes sir.

Q What were their names? A Mrs. Boling lived there.

Q Where did his children spend a good portion of their time during their childhood? A In Georgia.

Q What were they doing there? A Said to be in school.

Q Do you know whether or not Mr. Davis' wife inherited quite an estate in Georgia just previous to his coming out here? A Yes sir.

Q Is that estate quite large? A Her father was considered in that country to be quite wealthy, I don't know the estate myself.

Q Do you know if the management of that estate required Mr. Davis' presence in Georgia a good deal? A Yes sir it did.

Q When he came here in '98 did you hear him express his intention with reference to his residence?

(By Mr. Hastings)

The representatives of the Cherokee Nation object to this question because it is hearsay and a declaration in the interest of the applicant.

(By the Commission) The objection will be noted.

(BY THE WITNESS) Yes sir in '95 I heard him say he was here to live and that he intended to stay here and make it his home.

Q Do you know of his purchasing any country property for a farm there? A I heard him say he had.

Q Do you know if he has a farm there? A Yes sir.

Q Is it cultivated? A I was there once and it was cultivated then, and after that I have bought some potatoes from him, in '94 or '95.

Q Do you know what he has done with his individual property in Georgia? A I heard him say—

(By Mr. Hastings) I object to that because it is hearsay.

(By the Commission) Objection will be noted.

(BY THE WITNESS) I don't know that I heard him say anything about it exactly, but I knew of him selling out all of his property there in '98 or '93 before he came here.

(By Mr. Hastings)

Q Q When did his wife first come here to the Cherokee Nation after she was admitted? A I believe she was here before she moved here to live, she was here in '95 when they went to housekeeping I know.

Q How long did they keep house there? A A year or more.

Q Where did she go then? A Back to Georgia on a visit.

Q How long did she remain back there? A I don't recollect.

Q When did she come back this last time? A She has been here about a year since she came back the last time; she has been back a number of times; she lived there with her son in law Dr. Bolin some of the time.

Q How many children has she? A 4 or 5.

Q Where have these children been for the past 4 or 5 years? A Some were said to be in school, Mrs. Bolin lived there in Claremore.

Q I mean the single ones? A One is in Tulsa.

Q Is that one single? A Yes sir and lives on the Cherokee side of Tulsa.

Q How long has that one been living there? A Several years.

Q How many of these children were living with their mother in Georgia?

A I can't say, I only knew that some of them were away from Claremore.

Q They were not all the time in Claremore then? A Part of the time not.

Q Has Davis and his wife, since they quit living in that property you mentioned, in which they lived there in town in '93, have they continued to keep house in Claremore any from '93 or '4 until up to a year ago; I mean, have Davis and his wife kept house separate and apart to themselves any during that time in Claremore? A I can't say, they rented a house there, I can't say as to dates, if it was the last time they came there; I know they had their furniture in Dr. Bolin's house and staid there quite a while.

Q Did they keep any separate house from '94 to 1900? A I don't say that '94 was when they gave up their house there.

Q Well from the time they did give up that house you first mentioned of them living in? A I don't know exactly.

Q When did Mrs. Davis' father die? A Somewhere about '90 I think.

Q About '90? A I think so.

Q What is your best judgment is it? A Yes sir.

Q Was her mother living then or did she die before her father did? A I can't answer that.

Q Don't you know from family history? A I might have known, but I have forgotten if I did, they were no relation of mine.

G. W. Gant, being sworn by Com'r Needles, testified as follows on the part of the applicant:

(By Mr. Parker)

Q What is your name? A G. W. Gant.

Q Where do you live? A Near Claremore.

Q How old are you? A 45.

Q How long have you lived in the neighborhood of Claremore? A For 13 years.

Q Are you a farmer by occupation? A Yes sir.

Q Are you any relation of John Davis or his family? A No sir.

Q When did you first become acquainted with John Davis? A In '93 I believe was when I first saw him to know him.

Q Did he acquire a farm near you, if so, when was it? A Yes sir on the river in '94.

Q What river? A Verdigris.

Q State what he has done on that farm, if you know, since '94? A Right smart improvement on the farm, had a good deal of work done, clearing and farming and the like.

Q Has he worked on the farm every year? A I don't know about every year, I have seen him on the farm himself and he has had some one on it all the time.

Q How often have you seen him there yourself? A I don't know exactly.

Q Has he worked there himself any? A Yes sir.

Q What kind of labor did he do himself? A I saw him making rails and making fence.

Q Did he ever cultivate the place himself? A I never saw him do that.

Q Did he raise anything on that place? A Yes sir hogs and chickens.

Q Whose place has it been called since '94? A John Davis'.

Q Who has improved it and had it cultivated since then? A He has so far as I knew; he has spoke about his renters to me.

Q The place has been in cultivation every year has it? A Yes sir.

Q Do you know anything about him having any other places? A Yes sir right joining it he has one.

Q When did he buy that place? A In '94.

Q Under whose control and management has it been since '94? A Under his I understand—considered as his place.

Q Has he been there at regular intervals to look after it? A Yes sir.

Q Where has he actually lived during this time? A In Claremore.

(By Hastings)

Q Did he live at Claremore all the time? A Yes sir I believe he did, I seen him there most every time I am in town.

Q When did you first see him there in Claremore? A In '93, and have seen him there off and on ever since.

Q Do you know his wife? A Yes sir.

Q Wasn't acquainted with her? A No sir.
 Q You say he purchased this second place in '94? A Yes sir.
 Q How often have you seen him on these places in a year? A I guess I have seen him once a year or more, I don't know as I have saw him every year, but I have saw him several times, some years more than others.
 Q You say he had some tenants on it all the time? A Yes sir.
 Q He owns it now does he? A Yes sir.
 Q What did that farm consist of when he first bought it, the first one? A A house and 30 or 40 acres in cultivation.
 Q Who did he buy it of? A A man named Forey, think it belonged to some of the Fagin heirs.

J. P. Flippins, being sworn by Com'r T. B. Needles, testified as follows for the applicant:

(By Mr. Parker)

Q State your name? A J. P. Flippins.

Q Where do you reside? A In Claremore.

Q How old are you? A 51.

Q Do you know John Davis? A Yes sir.

Q When did he first come to Claremore? A In '93 was when I first saw him.

Q Do you know of his having purchased a farm or two on the Verdigris river? A Yes sir.

Q State what information and knowledge you have as to what work he did there? A I had some of the land cleared out and built some fence.

Q Did he work there any himself? A I think he helped build the fence, he was down there most of the time then.

Q During what years did you, if you ever did at all, purchase stuff raised on that farm? A As well as I remember my father bought his hogs in '94 and we bought his hogs together after that and I bought his corn after that.

Q He has farmed it regularly has he? A Yes sir I don't think it has ever misseed.

Q Is that farm still in his possession? A Yes sir.

(By Hastings)

Q You first knew John Davis in '93? A We purchased hogs from him in '94.

Q Did you first know him then? A No sir before that.

Q When? A In '93.

Q Did you know his wife? A Yes sir.

Q Some relation of your wife is she not? A Yes sir.

Q When did you first know his wife? A In '93.

Q Did they keep house in Claremore then? A I think they kept house there in '93.

Q How long did they continue to keep house there? A I don't know exactly.

Q What is your best judgment? A I lived in the country and can't tell you exactly.

Q How far in the country did you live? A Seven miles.

Q You were in Claremore frequently weren't you? A Yes sir 2 or 3 times a month.

Q When were you married? A In the fall of '94.

Q How long has Mrs. Davis been back to this country this last time? I don't know when the last time was.

Q You know that she has been back to Georgia since the first time you saw her don't you? A Yes sir I have understood she was back in Georgia a part of the time; there was for several years I was not much acquainted with her; I met her in '95 and took supper with them and then I went to see my wife at their house some; I have heard she would go back on a visit.

(By Mr. Parker)

Q Do you know in what part of Georgia the property which Mrs. Davis acquired by inheritance is located? A In the northern part I understand.

Q In the mountains? A Yes sir.

Q Do you know if this part of the country agreed with her health?

A I can't say.

Q Did she ever go away from here for her health? A I heard she went to Hot Springs once or twice.

W. T. BRADY being sworn by Com'r T. B. Needles, testified as follows on the part of the applicant:

(By Mr. Parker)

Q State your name? A W. T. Brady.

Q How old are you? A 39.

Q Where do you reside? A Tulsa.

Q What relation are you to John Davis? A Son in law.

Q When did you begin waiting on your wife? A In '93.

Q Where was she living at that time? A Near the Valley depot in Claremore.

Q With whom? A With her mother and father.

Q Were they keeping house there? A Yes sir.

Q Did you visit her subsequent to that time? A In '93 and '4.

Q Were they keeping house there then? A Yes sir.

Q When did you marry? A In 1895 in April.

Q What information have you in regard to your mother in law's health after that time? A She has suffered severely from rheumatism, and she had to go to Hot Springs a couple of times; she does not have any health in this country; she has had to spend some time in the mountains of Georgia, spent some time on Lookout Mountain, and has been around a good deal on account of her health.

Q During the time that she was away on account of her health, where was Mr. Davis, if you know? A As far as my recollection goes now they moved their things to Dr. Bolins residence and made their home there, I was married there at their home in '95.

Q Where did Mr. Davis continue to reside himself? A He staid there on his farm in the Cherokee Nation; I own the adjoining place to his on the Verdigris river.

Q What do you know of his cultivating his farm since he bought it? I was on that place first in '94 and since then I have been there often, since '95 ever month or so, and he has been improving the place ever since that time; I bought the fruit from off there for two years and hauled it to Tulsa, I think the first was in '96.

Q Where were the daughters of Mr. Davis during this time during certain seasons of the year? A At school part of the time and part of the time they worked for me.

Q Where? A In Tulsa.

Q You have a store there have you? A Yes sir on the Creek side but we live on the Cherokee side.

Q Where have John Davis and his family made their permanent home since '93? A At Claremore, Indian Territory; Martin Davis worked for me though for three years in Tulsa.

Q Do you know of an estate back in Georgia that Mrs. Davis inherited from her father? A Yes sir I have been back there a number of times myself.

Q Do you know on what business Mr. John Davis went to Georgia on his several trips back there? A Yes sir, on business connected with his wife's property.

(By Hastings)

Q Where was your wife's mother when you married? A My recollection is that she was at Hot Springs.

Q She was not present at you marriage? A No sir.

Q They had given up housekeeping at that time? A No sir they had moved their effects to Dr. Bolin's and were living there.

Q They didn't keep a separate house at that time though? A No sir.

Q How long had their effects been moved to Dr. Bolin's prior to your marriage? A I can't tell exactly.

Q As much as a year? A No sir I hardly think they had.

Q Have they, from that time until 1900, kept house separate and

apart in Claremore? A I don't know as I understand the question.
 Q I mean by that, as I understand from the testimony, they kept house there in '95 for a year or more and then moved their things to their son in law's, and it is given as a reason for so doing, that Mr. Davis' business compelled him to go to Georgia and Mrs. Davis' health obliged her to leave here and travel; now I understand they returned here a year ago; now what I want to know is, did they ever keep house separate and apart from anyone else from the time they gave up housekeeping the first time in Claremore, until a year ago, that is from say about '95 to 1900? A No sir not in a separate house; they kept house at Mr. Bolin's.

Q Since Mr. Davis went to Georgia after he gave up housekeeping here, has he ever lived in the Cherokee Nation? A Yes sir I have seen him here every year; he would come here and look after his places and claimed his home here all the time.

Q Since your marriage, what has been the longest time that you have missed Mr. Davis out of the Cherokee Nation, has he been absent from here longer than six months at a time? A I don't think he has been away that long.

Q As much as three months? A Yes sir I guess so.

Q You testify that his absence from here is on account of his business transactions in Georgia? A Yes sir.

Q Do you know that he has intended to make this his home? A Yes sir he has improved a fine farm, and when I was in Georgia he was making his arrangements there to make this his home, and he was selling out his property there with that intention, and during all this time he has made improvements on his place here and has always expressed himself as intending to make this his home.

Q Where is his youngest daughter now? A At Claremore at his home, the two daughters are, and Martin Davis left my store a year ago and has been attending the Mountain City Business College at Chattanooga Tennessee.

Q Where were his children when their mother was away? A Sometimes they would be gone and some times they would be with me, sometimes they were at school, one of them was at Ashville North Carolina attending school; I had a sister there at the same time.

(By Mr. Parker)

Q How many sister's ~~sisters~~ has John Davis who are living here in this country now? A J. O. Hall's wife is one, George Hill's wife is another, Mrs. Jane Patton, wife of W. C. Patton is another, Mrs. Bude Little is one.

Q Do you know from family history, if his sisters, the wives of the men to whom you refer, came here just before he did? A Yes sir.

(By Mr. Parker)

I desire to offer in evidence depositions taken at Lafayette, Georgia under stipulations signed by the attorneys for the Cherokee Nation and myself, as follows: Deposition of F. W. Copeland and Hugh A. Sims; I also desire to offer in evidence a deed signed by S. H. Mayes Principal Chief of the Cherokee Nation conveying to the applicant John Davis, a Cherokee citizen, a town lot in the town of Claremore, dated the 13th day of November, 1893.

Also, I desire to offer in evidence a bill of sale from W. S. Terry and Phillip Torry to the applicant for an improvement in the Cherokee Nation dated May 24th 1894.

I also desire to offer in evidence another bill of sale from Ellen Fickett, as administratrix of the estate of Melindy Pagan deceased for another improvement in the Cherokee Nation, to the applicant, dated the 17th day of July 1894.


I also desire to offer in evidence a certificate signed by the Assistant Executive Secretary, showing that in 1893 and 1894 the applicant was granted permits as a Cherokee citizen, to employ white labor in the Cherokee Nation.

By Com'r Needles: This will be filed with the papers in the case.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes herein

Chas von Weise

Subscribed and sworn to before me this the 7th of November, 1901.



Commissioner.

COMM.

FILED

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[Handwritten signature]

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C. D-696

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 7, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of John Davis for the enrollment of himself wife and children as Cherokee citizens.

Appearances:

Luman F. Parker, Jr., of Hutchings, Parker & West, Vinita I.T., attorneys for the applicants;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant and his attorneys were notified by registered letter February 17, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 7th day of March, 1902; receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: the 7th day of March, 1902, appears by his attorneys

BY MR. PARKER: I first desire to present the original certificate of re-admission of John Davis.

BY COMMISSION: There is offered in evidence a certificate from the Cherokee Commission on citizenship, showing that John Davis, Jr., aged 40 years, was admitted to citizenship in the Cherokee Nation by the Cherokee Commission on citizenship on the 7th day of April, 1887. Same is filed herewith.

J.O.HALL, being first duly sworn and being examined testified as follows:

BY MR PARKER:

Q State your name, age and residence? A J.O.Hall, Vinita, Indian Territory, age 56 years.

Q You know John Davis, Jr., and Ruth A. Davis? A Yes sir.

Q Did you know them before they were married? A Yes sir.

Q If they were married state when and whereabouts? A They were married in Walker County, Georgia, in '67, September '67.

Q How do you know this? A I was at the wedding; there when they were married.

Q What relation if any is Ruth A. Davis to you? A She is a cousin of mine.

Q Is she related otherwise? A Only by marriage; her husband is my brother-in-law; my wife's brother.

Q The applicant here is your brother-in-law? A Yes sir.

Q You know what custom prevailed with reference to preserving the records and filing the records and marriages of Walker County, Georgia at the time they were married? A They filed the license with the County Clerk at the time they were married.

Q Subsequent to '67 you may state whether or not the records of Walker County Georgia were destroyed and if so how? A The court house and records of the County were destroyed and by fire, they burned up.

Q What is your family information in regard to what became of the license of John Davis and Ruth A. Davis? A I suppose they were burned in that fire there.

Q Subsequent to their marriage have they lived together as man and wife? A Yes sir.

Q Always recognized as such? A Yes sir.

Q And are they such to-day? A Yes sir.

MR. HASTINGS waives cross examination.

BY COMMISSION: The attorney for the applicant and the attorney for the Cherokee Nation present submit the case; same is

ordered closed and reported to the Commission for final decision based upon the evidence now at hand. The attorney for the applicant requests and will be granted twenty days in which to file a brief in the case, one copy with the Commission and one copy with the representative of the Cherokee Nation.

I, R. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

R. D. Green

Copy for Applicant
Chas. C. Chas. C.
Note in

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Goodwin &
family

Copy for applicant

Returned to applicant in person to the applicant's attention and those

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application
of John Davis and family for en-
rollment as Cherokee citizens.

The applicant applied for enrollment of himself and wife,
Ruth A. Davis and Mary, aged twenty-three, for whom as the Honorable
Commissioner states "he was allowed to enroll because she
is at school and cannot conveniently apply herself," and
Burwell M. Davis, aged nineteen.

The evidence submitted in this case fully sustains the
applicant's right to admission for as the Honorable Commissioner
said at the time that they were duly admitted in 1887 and moved to
the Cherokee Nation in 1893 and that since that time they have made
the Cherokee Nation their home. The applicants are identified on
the roll of 1894 but not on the roll of 1896. That he was denied
enrollment in 1896 because of a misapprehension of the same. "No
valid reason is seen in the present examination for the exclusion
of this applicant and his family but in as much as they were denied
enrollment in 1896 by the Cherokee authorities they will at present
be placed upon a doubtful card for consideration by the whole
commission, the applicant and his two children being classified as
Cherokees by blood."

In the notice sent out by the Honorable commission of February
26, 1902, the applicant was required to supply certificate of
marriage to Ruth A. Davis and also certificate of re-admission
as a citizen of the Cherokee Nation.

The certificate of re-admission as a citizen was furnished
on March 7, 1902, and the proof of marriage to Ruth A. Davis was
shown by the testimony of J. O. Hall and by reference to the testimony
of other witnesses in the case which shows that they have raised a
family and lived together continuously as man and wife and neither
were ever previously married. From the testimony of Mr. Hall it
appears that he was in Walker county, Georgia, when John Davis, Jr.,

and Ruth A. Davis were united in marriage in 1867 and was present at the marriage ceremony; that the records of the marriage of the family were kept in the court house in Walker county, Georgia, and that subsequent to 1887 the court house of that county with all the records was destroyed by fire and that it was his information as a member of the Davis family that this marriage certificate was burned.

considerable testimony was taken on behalf of the applicant for the purpose of establishing the fact that he moved to the Cherokee nation in 1892 and has made this home for both himself and family since that time; that he since then has been the owner of a valuable farm near to, and of town property in, Claremore, Indian Territory, was not denied by the Cherokee Nation; that he has been one of her prominent and progressive citizens may also be gathered from the record; that his settlement in the Cherokee Nation in 1892 was with the best intentions and in good faith, is apparent to every reasonable man, for notwithstanding his wife inherited an estate which one witness (Robt. L. Hill) says was "considered wealthy," he sold out his place in Georgia and came to the Cherokee nation with very little means and acquired two little claims, which, by his own efforts and energy have developed into profitable farms. As a further evidence of his good faith he declined on one occasion, when back in Georgia looking after his wife's estate, to vote for an old comrade, who was running for sheriff, giving as an excuse therefore that he had established his home in and had become an citizen of the Cherokee nation. It is further shown that in 1892 or in 1893 he sold all the property he owned in the state of Georgia and that he acted as executor for two or three years, then abandoned the office so that he might stay in the Cherokee nation all the time; all of this in spite of the fact that the estate did not agree with his wife, and that had he permitted himself to use her resources they might have lived in comfort and ease at her father's elegant home near Lookout mountains. As a brother to the wives of W. C. Patton, W. Little, Geo. W. Hill and J. O. Hall, all prominent and successful citizens of the Cherokee

the Nation, he was doubtless inspired by the success with which their efforts had been attended here in the West to emulate their example rather than depend upon his wife's patrimony, and the irony of it all is that the time and care which he for a short time gave to his wife's estate, as executor, has caused this trouble for those making the rolls of 1896, apparently without careful investigation, doubted the permanency of his residence here, and so far as their action bound the Nation, sought to deny him that which he had acquired under circumstances that would have daunted many a man.

To overcome the shadow which this act created we have offered not only his own testimony, which seemed to satisfy the honorable Commissioner who heard the case, but also the evidence of Joe L. Gibbs, Robt. Hill, G. W. Gault, J. F. Flippin, W. T. Bradwood, F. W. Copeland and Hugh A. Sims to show that since 1892 he has been a consistent and permanent resident of the Cherokee nation.

And as showing recognition upon the part of the Cherokee nation we refer to the roll of 1896; also to the deed offered in evidence made by S. H. Hayes, principal chief, to the applicant as a "Cherokee citizen" under the law which would permit sales of town lots to none other than recognized Cherokees, also the two bills of sale showing the purchase of improvements and a certificate signed by the Assistant Executive Secretary showing that in 1896 or in 1898 the applicant was granted permits as a Cherokee citizen to employ white labor in the Cherokee nation. (As to the force and effect of these recognitions, see (W. Y. Indians vs. U. S. 176 U. S. P. I.)

Mr. and Mrs. Davis have children married and living in the Cherokee Nation, who are on straight cards; that during his wife's absence in an effort to regain her health he has often lived in the house of some of his married children is admitted and sometimes even he and his wife, owing to poor condition, have both lived with some of their married children and have not kept house, but at no time since 1868 is it shown in this case nor could it be shown

that John Davis, Jr., and his family were anything but bona fide citizens in good faith of the Cherokee Nation.

Their children were educated in the east it is true, but being amply able to afford them these advantages, would anyone say that circumstances should be considered against them? When it further appears that upon a completion of their studies each and everyone returned to their father's abode in the Cherokee Nation and those who have married, did so in the Cherokee Nation and are now residents thereof, and that their father has not since 1898 had a home to which they could go anywhere outside of the Cherokee Nation.

Respectfully submitted,

N. P. Hill

Attorneys for Applicants.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.

Muskogee, I. T. May, 8, 1902.

In the matter of the application of
John Davis for the enrollment of
himself and family as citizens of
the Cherokee Nation.

Cherokee D. 696.

PLEAD ON BEHALF OF THE CHEROKEE NATION.

The testimony in this case shows the John Davis was born and reared in Georgia, and that he was admitted to citizenship in the Cherokee Nation in 1887, and that he removed to the Cherokee Nation in 1893, but since that time he and his family as he states have been more or less back in Georgia upon a business matter, winding up an estate. Their names do not appear upon the rolls of 1896, and it was urged against them at that time that they were not permanent residents of the Cherokee Nation.

There are two questions that present themselves to the Commission for consideration, the first being; what effect the residence of John Davis for a period of six years in the state of Georgia after his readmission to citizenship in the Cherokee Nation had upon his citizenship? And second, being as we have contended heretofore in numerous cases that his wife is a white woman, and that he was married to her prior to his readmission to citizenship in the Cherokee Nation, and not remarried since? We have contended in all like cases that the admission of the husband does not admit the wife, and inasmuch as we have argued this question in so many other cases we do not feel that it is necessary to prolong the discussion here.

Respectfully submitted.

Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John, Mary and Russell M. Davis as citizens by blood of the Cherokee Nation, and for the enrollment of Ruth A. Davis as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on October 26, 1900, John Davis appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment of himself, his daughter, Mary Davis, and his minor child, Russell M. Davis, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Ruth A. Davis, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 26, 1901, and at Muskogee, Indian Territory, on March 7, 1902.

The evidence shows that the said John Davis was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said nation on April 7, 1897 under the name of John Davis, Jr. It further appears that he established residence in the Cherokee Nation in the year 1893, and has maintained residence in said nation since that time. He has been absent from the Cherokee Nation at different times since his admission to citizenship, but such absences do not appear to have impaired his rights as a citizen. He is identified on the 1894 Pay Roll of the Cherokee Nation.

The two children, Mary Davis and Russell M. Davis were admitted to citizenship in the Cherokee Nation with their father, the latter under the name of Russell M. Davis. They are identified on the 1894 Pay Roll of the Cherokee Nation, and have been living with their parents since 1893.

Mary Davis was twenty-three years old at the date of the application herein, and her father, John Davis, was permitted to make application for her because of her absence from home at school.

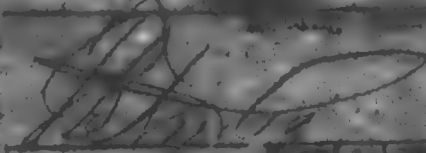
It further appears that John Davis was lawfully married to his wife, Ruth A., in September, 1867. No certificate of this marriage is filed, but the same is established by personal testimony. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship.

The evidence further shows that the said Ruth A. Davis has lived with her husband in the Cherokee Nation since 1893, and that she was a resident of said nation at the date of the application herein. She has been absent from the Cherokee Nation at different times since 1893, but such absences do not appear to have impaired her rights as a citizen.

It is, therefore, the opinion of this Commission that John Davis, Mary Davis and Russell M. Davis should be enrolled as citizens by blood of the Cherokee Nation, and that Ruth A. Davis should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of section twenty-one of

the Act of Congress, approved March 3, 1879, Chapter 13, and
it is so ordered.

Witness my hand and the seal of the Department at Washington, D.C.,



David C. Lester,



Commissioner.

Muskogee, Indian Territory,

this AUG 18 1902

Cherokee D-696.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., September 18, 1902.

In the matter of the application of John Davis for the enrollment of himself and his children, Mary Davis and Burwell M. Davis, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife Ruth A. Davis as a citizen by intermarriage of the Cherokee Nation. Testimony in behalf of applicant.

Supplemental to D-696.

Ruth A. Davis, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Ruth A. Davis.
Q What is your age and postoffice address? A My age is 52; Claremore my postoffice.
Q Are you the wife of John Davis? A Yes sir.
Q And the mother of his two children, Mary and Burwell M.? A Yes sir.
Q Is your husband living? A Yes sir.
Q Are your two children living? A Yes sir.
Q You are a claimant by intermarriage? A Yes sir.
Q Are you and your husband living together at this time? A Yes sir.
Q Have you lived together continuously since your marriage? A Yes sir.
Q Are you at present residing in the Cherokee Nation? A Yes sir.
Q How long have you resided there? A Ever since '93.
Q Continuously? A I was away. As long as my health would permit. Sometimes I would go to Hot Springs. I am subject to asthma.
Q Is your home in the Cherokee Nation? A Yes sir.
Q Has your husband resided there all that time? A Yes sir, he has a home there.
Q Have your two children resided here? A Yes sir, when they are not at school.
Q Are your husband and your two children living in the Cherokee Nation at the present time? A Yes sir.
Q Is their postoffice address Claremore? A Yes sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the supplemental testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. G. Rothenberger.

Subscribed and sworn to before me this 18th day of September, 1902.

Philip J. Renter
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John, Mary and Burwell M. Davis as citizens by blood, and for the enrollment of Ruth A. Davis as a citizen by intermarriage of the Cherokee Nation.

-- o o o --

DECISION.

The record in this case shows that on October 26, 1900, John Davis appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of himself, his daughter, Mary Davis, and his minor child, Burwell M. Davis, as citizens by blood, and for the enrollment of his wife, Ruth A. Davis, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 26, 1901, at Muskogee, Indian Territory, on March 7, 1902, also on September 18, 1902.

The evidence shows that the said John Davis was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on April 7, 1897, under the name of John Davis, Jr. It further appears that he established residence in the Cherokee Nation in the year 1893, and has maintained residence in said Nation ever since that time. He has been absent from the Cherokee Nation at different times since his admission to citizenship, but such absences do not appear to have impaired his rights as a citizen. He is identified on the 1894 Pay Roll of the Cherokee Nation.

The two children, Mary Davis and Burwell M. Davis, were admitted to citizenship in the Cherokee Nation with their father, the latter under the name of Burwell M. Davis. They are identified on the 1894 Pay Roll of the Cherokee Nation, and have been living with their parents since 1893.

Mary Davis was twenty-three years old at the date of the application herein, and her father, John Davis, was permitted to make application for her because of her absence from home at school.

It further appears that John Davis was lawfully married to his wife, Ruth A., in September, 1867. No certificate of this marriage is filed, but the same is established by personal testimony. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship.

The evidence further shows that the said Ruth A. Davis has lived with her husband in the Cherokee Nation since 1893, and that she was a resident of said Nation at the date of the application herein. She has been absent from the Cherokee Nation at different times since 1893, but such absences do not appear to have impaired her rights as a citizen.

It is, therefore, the opinion of this Commission that John Davis, Mary Davis and Burwell M. Davis should be enrolled as citizens by blood of the Cherokee Nation, and that Ruth A. Davis

Cherokee D-025.

should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress, approved June 20, 1902 (32 Stats., 955), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Caro Bixby
Acting Chairman.

(SIGNED)

E. D. Needles
Commissioner.

(SIGNED)

C. R. Brookhriago
Commissioner.

Muskogee, Indian Territory,

this NOV 12 1902

Cherokee 9901.

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Ruth A. Davis as a citizen by intermarriage of the Cherokee
Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Claremore, Indian Territory, October 25, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Ruth A. Davis as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Vinina, Indian Territory, October 26, 1901, and at Muskogee, Indian Territory, March 7, 1902, and September 18, 1902. The records further show that on November 12, 1902, the Commission to the Five Civilized Tribes rendered its decision herein granting said applicant the right to enrollment as a citizen by intermarriage of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Ruth A. Davis, is a white woman and neither claims nor possesses any rights to enrollment as a citizen of the Cherokee Nation other than such right as she may have acquired by virtue of her marriage to one John Davis in the State of Georgia, September 5, 1867; that said John Davis was not at the time of said marriage a recognized citizen by blood of the Cherokee Nation and did not become a citizen of said Nation until his admission to citizenship therein by the duly constituted authorities of said Nation, April 7, 1887. Said applicant did not therefore marry in accordance with Cherokee law a citizen by blood of the Cherokee Nation prior to November 1, 1875. Neither the applicant Ruth A. Davis nor her husband, John Davis, can be identified upon the Cherokee authenticated tribal roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That the decision rendered by the Commission to the Five Civilized Tribes, November 12, 1902, granting the application for the enrollment of Ruth A. Davis, as a citizen by intermarriage of the Cherokee Nation be rescinded, set aside and held for naught and in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the Cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128 the said applicant Ruth A. Davis, is not entitled, under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stat., 495) to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly denied.

SIGNED

Tama Blaxby.

Dated at Muskogee, Indian Territory.

Commissioner

this FEB 11

Vinita I. T. August 26th 1901.

J. G. Schinshar Esq.

Claremore I? T

Dear Sir

One John Davis who applied to the Commission at Claremore claims that he moved to the Cherokee Nation in 1893 and has resided here since that time traveling some for his wife's health.

Please advise us by return mail when he located here and acquired property in the Nation. In fact when did he actually become a permanent resident of the Cherokee Nation.

Yours truly,

Attorneys for the Cherokee Nation.

J. L. B.

J. C. S.

COMMISSIONERS
HENRY L. DAWES.
JAMES BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 696.

Muskogee, Indian Territory, August 18, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 18, 1902, granting the application of John Davis for the enrollment of himself and his children, Mary Davis and Burwell M. Davis, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Ruth A. Davis, as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,



Acting Chairman.

Enc. C. No. 2.

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEDLES
C. R. BRECKINRIDGE

ALLISON I. AYERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 696.

Muskogee, Indian Territory, November 17, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

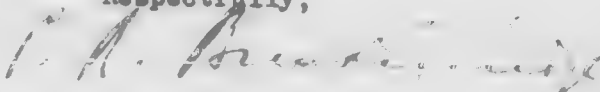
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 12, 1902, granting the application of John Davis for the enrollment of himself and his two minor children, Mary and Burwell M. Davis, as citizens by blood, and for the enrollment of his wife, Ruth A. Davis, as a citizen by intermarriage, of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,



Commissioner in Charge
Acting Chairman.

Enclosure H. No. 16.

REFER IN REPLY TO THE FOLLOWING:
Cherokee 9901

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 19, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, rejecting the application for the enrollment of Ruth A. Davis as a citizen by intermarriage of the Cherokee Nation.

The decision, togetherwith the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Enc I-126.

Commissioner.

RPI

COPY--Copy.

Land.
18377-1907

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON,

February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from Commissioner Bixby, dated February 19, 1907, enclosing the record in the matter of the application for the enrollment of Ruth A. Davis as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner, dated February 19, 1907, rejecting the application.

The record shows that the applicant is a white woman and has no rights no enrollment as a citizen of the Cherokee Nation, other than such as she acquired by virtue of her marriage to John Davis in the State of Georgia September 5, 1867. Davis was not at that time a recognized citizen by blood of the Cherokee Nation and did not become such a citizen until his admission by the constituted authorities thereof April 7, 1867.

The decision of Commissioner Bixby, denying the application for the enrollment of Ruth A. Davis as an intermarried citizen of the Cherokee Nation, is in accordance with the decision of the Supreme Court of the United States in the case of Daniel Red Bird, et al., vs. the United States, and it is recommended that it be affirmed.

EWE-D

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

D. C. 12637

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J. P.

ERS

I. T. D.

O.K.

March 2, 1907.

5846, 5982, 5984, 5986,
5992, 6004, 6006, 6010,
6014, 6016, 6018, 6024,
6026, 6030, 6032, 6034,
6072, 6098, 6104-1907.

DIRECT

Commissioner to the Five Civilized Tribes,
Muskegee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases
adverse to the applicants are hereby affirmed. Copies of
Indian Office letters submitting your reports and recommending
that the decisions be affirmed are enclosed:

Title of Case.	Date of your Letter of Transmittal.
Elizabeth Davis,	February 14, 1907.
James C. Williamson,	February 19, 1907.
Ruth A. Davis,	February 19, 1907.
Bidipher Nicholson,	February 19, 1907.
Robert A. Abney	February 19, 1907.
Wakepeace Miller,	February 19, 1907.
Margaret J. Emerson,	February 19, 1907.
Sarah F. Miller,	February 14, 1907.
William Clifford Dawson,	February 21, 1907.
Lorene and Preston Davis Smith,	February 23, 1907.
Rosa Haynes (Freedman),	February 17, 1907.
Willie Fletcher Hurst,	February 23, 1907.
John W. Chandler,	February 21, 1907.
Laura Gaults,	February 15, 1907.
Charlotte E. Bonds,	February 18, 1907.
Thomas Jacob et al.,	February 21, 1907.
Elizabeth and Charles Colbert (Freedmen)	February 17, 1907.
Frank E. Brandon,	February 18, 1907.
Rexie Hill (Freedman),	February 18, 1907.

-2-

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,
Assistant Secretary.

19 inc. and 38 inc.
to Ind. Of.

A F Mc

5-2-07

REFER IN REPLY TO THE FOLLOWING:

Cherokee 9901

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 11, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, rejecting the application for the enrollment of Ruth A. Davis as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, March 2, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H-87
JMH

Commissioner.

IN THE MATTER OF THE APPLICATION OF

John Davis et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS

FEB 28 1902' admitted April
7. 1887 by Chas. Court -
came here in 1893 - He
says -

Cherokee

D 696

John Davis et al

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20697

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 22 1900



ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 25 1900



ACTING CHAIRMAN

RECORDED.

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I.T., October 22, 1900.

In the matter of the application of David J. Matthews for the enrollment of himself, wife and children as American citizens; being sworn and examined by Commissioner Breckinridge he testifies as follows:

Q Give me your full name? A David J. Matthews.

Q How old are you? A 39.

Q What is your post-office? A Cawwaw.

Q You live in Coowawawawaw District? A Yes sir.

Q Who do you want to have enrolled? A Myself, wife and four children.

Q Are you a Cherokee by blood? A No sir.

Q Is your wife a Cherokee? A Yes sir.

Q Let me see your marriage license and certificate?

A (Produces papers.)

Com'r: The applicant presents licenses issued by the Clerk of Coowawawaw District, December 8th 1899, authorizing his marriage to Ellen Id. Taylor; the certificate shows that they were married in accordance with said license on the 17th of the same month and in the same year, by the Rev. P.C. Grace; this is filed herewith.

Q Have you lived in the Cherokee Nation with your wife ever since you were married to her in 1899? A Yes sir.

Q Were you ever married except to this wife? A No sir.

Q Has she ever married except to you? A No sir.

Q Now give me your wife's full name as you want it put down at this time? A Addie Matthews.

Q No middle name? A No sir.

Q A-d-d-i-e? A Yes sir.

Q How old is she? A 28.

Q Give me the name of her father? A James Taylor.

Q Is he dead? A No sir, he is living.

Q Give me the name of her mother? A Adeline Taylor, she has been dead for a number of years.

Q Has your wife lived in the Cherokee Nation all her life?

A Yes sir.

Q How long has she lived here? A She came here in 1890.

Q Has she a certificate of citizenship, or have you one?

A No sir, she was admitted with her father. (Produces papers.)

Q Did she apply to the Dawes Commission for citizenship? A Yes sir, in 1896. She was put on the doubtful roll and according to their notices she made application to them.

Q Give me the names of your children? A Mary L., 9 year old;

Q Next child? A William L.

Q How old is he? A 7.

Q Next child? A Joseph C.

Q How old is he? A 5.

Q Next child? A Jessie H.

Q How old is she? A 3.

Q All living now? A Yes sir.

Q Now how have you and your family lived here in the Cherokee Nation?

A Since 1890.

Q Lived here continuously since 1890? A Yes sir.

A We haven't been out of the Cherokee Nation since 1890.

Q You say, Mr. Plaintiff, is a white man.

1890 roll examined for applicant's wife and name not found;

1894 roll page 260 Elizabeth L. Matthews Coowawawawaw Dist;

1894 roll page 260 Adeline Ada Matthews Coowawawawawaw "

1894 roll page 240 William L. Matthews "

1896 roll examined for children and names not found.

Com'r: The Dawes Commission's Record, Book 1 B.,

David J. Matthews et al 2

page 304 Commission #4789 shows that James Taylor with others, made application to the Commission September 7th 1896; the answer filed; the application was denied by the Commission; there is no record that any appeal was ever taken.

Con'r Breckinridge: The applicant applies for the enrollment of himself, his wife and four children; he is shown to have married his wife in accordance with Cherokee law in 1890, and states that they have lived together in the Cherokee Nation ever since their marriage; his wife is identified on the Cherokee tax roll of 1894; he states that her claim to citizenship arises through her father, James Taylor; her father is shown to have applied to the Dawes Commission in 1896, as set forth in the testimony, for enrollment admission as a Cherokee citizen, and the application was denied; it appears that there was no appeal taken; now the present application arises entirely through any real or supposed right acquired by the father or the applicant's wife; and as there father is shown to have been rejected by the Dawes Commission, that rejection is final, and is obligatory upon this Commission to discharge its present duty; therefore the application for the enrollment of the applicant and his family is rejected.

A. J. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Ind. Green

Subscribed and sworn to before me this 2nd day of October 1900.

Matthews

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I. T., October 25, 1900.

In the matter of the enrollment of Addie Matthews, husband and children; being sworn and examined by Commissioner Breckinridge she testified as follows, in supplemental:

- Q Give me your full name? A Addie Matthews.
- Q Have you any middle name? A No sir.
- Q How old are you? A 23.
- Q What is your post-office? A Claremore.
- Q Do you live in Choctawhatchee District? A Yes sir.
- Q What list you want to have put on the rolls? A Myself, husband and four children.
- Q Are you a Cherokee by blood? A Yes sir.
- Q What is your husband? A White man.
- Q How long have you lived in the Cherokee Nation? A Nearly 11 years.
- Q You were engaged in an application made a few days ago by your husband for David J. Matthews were you not? A Yes sir.
- Q You are a daughter of James Taylor? A Yes sir.
- Q And your father James Taylor and his family were admitted to citizenship by the Cherokee Commission, or were they North Carolina Cherokees? A They were North Carolina Cherokees.
- Q How old is your father now? A He is about 77 I believe.
- Q It is found in the printed list of North Carolina Cherokees who came to the Cherokee Nation June 8th 1881 under an act of the National Council approved December 3 1880, that James Taylor, aged at that time 58 years, is included as a Cherokee by blood, and that he is those who paid their own transportation.
- Q Your mother's name is Adeline Taylor? A Yes sir, Adeline.
- Q When were your father and mother married? A I don't remember.
- Q Is your mother living now? A No sir, she has been dead several years.
- Q About how many years? A 13 or 14 years.
- Q Was she ever married except to your father? A No sir.
- Q Was he ever married except to her? A No sir.
- Q Where did your mother die? A In North Carolina.
- Q Did she ever live in the Cherokee Nation? A No sir, she never came here.
- Q How it appears that your father came here in 1881 by himself?
- A I was a minor at school when he came here; I didn't come until 1890.
- Q You were about 19 years old then? A I was just 18.
- Q Now tell me, please, about your father's coming here and staying here, he came here in 1881, that seems to be established by the record that is before me? A Yes sir.
- Q Did he stay here at that time? A I don't know, I know he made several trips, and went on business, - he has been interested in the North Carolina Cherokees all along and he is there on business now in North Carolina; he is their attorney; I didn't know when he came, I knew when the rest of the family came; I was a minor.
- Q Did your mother ever come to the Cherokee Nation? A No sir.
- Q When you came here in 1890 did you register as Tahlequah? A No sir.
- Q Register as a North Carolina Cherokee? A No sir, I didn't think it was necessary; of course I was considered an Indian; I didn't understand it was necessary.
- Q Where did your father live principally after he came here in '81 did he live in here or live back in North Carolina? A He staid here part of his time and part of his time he spent in North Carolina and Washington City.
- Q Was he generally engaged in business for the Indians? A Yes sir, that has been his business the biggest part of his life; I

Audie Matthews et al
think he secured the transportation for most of the Cherokees
here.

Q Do you know whether you were included in the application your
father made for the admission to citizenship before the Dawes Com-
mission in 1896? A We didn't make any application ourselves;
to the Dawes Commission, and if we were included we didn't know it.

Gov'r Brockbridge: This case, the reading of which has been
given, will be classed as a doubtful case, for the further consider-
ation of the supplementary testimony given at this time, and also
for the consultation of the full record in the case of her father
before the Dawes Commission in 1896, and for the consideration, if
when obtainable, of the terms of the act admitting the North
Carolina Cherokees to citizenship.

M.D. Green, being first duly sworn states that as stenographer to
the Commission to the Five Civilized Tribes he correctly recorded
the testimony and proceedings in this case and that the foregoing is
a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this 25th day of October 1900.

W. H. Miller

Commissioner.

D697

RECEIVED
JAN 2 1902

NOTE:

and sent the same to a fine one, complete and in the original state.
Compliments to the fine one, complete and in the original state.
A. V. L. Quebec, no price, complete and in the original state.

Compliments,
A. V. L. Quebec,

(Litho) H. V. L. Quebec.

plan and complete description of the same, including notes, plans,
restoration and description of the same, including notes, plans,
Compliments to the fine one, complete and in the original state.

To be filed with, - D. #497.

sp. #441.

sp. #772.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., JANUARY 28th, 1901.

IN THE MATTER OF THE APPLICATION OF James Taylor - "D" Card #441-
and Frank M. Rucker - "D" Card #772.
David Taylor, being sworn and examined by Commissioner, T. B. W
Needles, testified as follows:

Q What is your name? A David Taylor.
Q What is your age? A Seventy-four.
Q What is your Postoffice address? A Chelsea.
Q Indian Territory? A Yes sir.

James Taylor, being sworn and examined, testified:

Q What do you want to prove by this man? A That Medora was born
while me and my wife were living together as man and wife.

David Taylor recalled:

Q Do you know James Taylor? A Yes sir.
Q Did you know his wife? A Yes sir.
Q What was her name? A Addie.
Q Do you know Frank M. Rucker? A Yes sir.
Q Do you know his wife, May D.? A Yes sir.
Q Do you know when this May D. was born? A Along about '66.
Q Well were James Taylor and his wife living together at that
time? A Yes sir.
Q Do you know whether they were married or not? A Yes sir, they
were married.
Q How far did you live from them? A About a quarter.
Q About a quarter of a mile? A Yes sir.
Q And while they were living together, this child, May D. Rucker
was born? A Yes sir.

By Mr. J. L. Baugh, Cherokee Representative:

Q How long did they live together after the birth of this child?
A I do not recollect.
Q About how long? A Some five or six years.
Q Do you know about how many children were born to them after
the birth of this child? A About three I think.
Q What three? A Hiram and Addie.
Q Were he and his wife living together when this child, Addie was
born? A They were in Washington.
Q Do you know of your own knowledge that they were living together
as man and wife then? A I can not say: They were in Washington.
Q And that child was born while they were living there?
A Yes sir.
Q About how long has Mr. James Taylor lived in the Cherokee Nation?
A I can not tell you - backwards and forwards - he had several
law suits he had to attend to.
Q Has he ever made the Cherokee Nation his permanent home?
A I think he stays with his boys up there.
Q About how long at a time does he stay with his boys?
A About a year at a time, and he would have to go and attend to
law suits.
Q Where was he living in the summer of 1898? A I do not recollect.
Q Was he living in the Cherokee Nation? A I can not say: I do not
recollect.

Com'r. T. B. Needles:

Q What relation are you to James Taylor? A He is a brother of
mine.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) R. R. Gravens.

Subscribed and sworn to before me this 21st day of January, 1961.

(signed) T. B. Needles,
Commissioner.

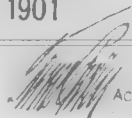
I, A. R. Cheever, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy and that the same is a true and complete copy of the original manuscript.

A. R. Cheever

8021

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 15 1901



ACTING CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 15, 1901.

Supplementary testimony in the matter of the application of
Addie Matthews for enrollment as a Cherokee citizen-

William E. Sanders, being sworn and examined by Commissioner
T. B. Needles, testified as follows:

- Q What is your name? A William E. Sanders.
Q What is your age? A About 41.
Q What is your postofficeaddress? A Claremore, I. T.
Q You know Addie Matthews? A Yes sir.
Q What testimony do you want to give in regard to this application?

Mr. Sanders states: - I am well and personally acquainted with James Taylor and his family; namely, John M. Taylor, Jr., James L., William T. Taylor, Madora Rucker and Addie Matthews, and that they now reside in Cooweescoowee district, Cherokee Nation, and I further state that while I was senator of Cooweescoowee District, Cherokee Nation, during the term of 1893 and '94, acting under a resolution passed by the National Council of the Cherokee Nation, requiring that each senator and council member from the nine districts of the Cherokee Nation proceed to make a roll of all citizens entitled to enrollment, and while we were making and compiling the roll of Cooweescoowee District for the payment of the strip money, the question of enrollment of Addie Matthews and family came up, and we had D. W. Bushyhead summoned before us and upon being duly sworn stated as follows: D. W. Bushyhead, now deceased, stated - "that when he left the Executive Office as Principal Chief of the Cherokee Nation, there was a list of the above named children excepting Addie Matthews, who was a minor and did not move with her father and other children." We, as a committee, demanded of the Executive Office the records or list claimed to be left there by D. W. Bushyhead, and a copy of the same was produced before us, and upon that record and statement we enrolled Addie Matthews and her children who had drawn money due from the sale of land of '96, known as the Cherokee strip. I further state that I am no relative to James Taylor and his family.

- Q Are you in any way related to Addie Matthews? A No sir.
Q What position did you hold in the Cherokee Nation in '93 and '94? A I was a member of the Senate.
Q You are a citizen of the Cherokee Nation? A Yes sir.

By J. L. Baugh-representative of the Cherokee Nation-

- Q What was the practice and rules of the Cherokee Nation in accepting citizens? A They generally went before the Council and if they were of age ask the Council to be readmitted; where they had ever been citizens.
Q Well, was it not a fact that in 1882, the Cherokee National Council passed a law extending an invitation to those people in North Carolina to remove here? A I think it was.
Q They also sent some delegates there to ask them? A I think so.
Q In that law were they not required after they come here to go and register their names? A That is my understanding.
Q Now from your understanding as a member of the Senate at that time, any person who failed to comply with that provision of the law under that invitation was not a citizen, were they? A I think not.
Q Well, did you have anything before you to show you that Addie Matthews, or any of her folks, had ever registered her as a citizen of the Cherokee Nation when she come to the Cherokee Nation? A Only the record produced by the Executive Department; only the statement from the Ex-Chief.
Q Well, that statement was simply a verbal statement; that was no written statement? A He made a statement under oath. The Committee

2- A.M.

would qualify the witnesses. We had quite a number of people who had been admitted by Councils and Courts and their certificates were unconditional and could come at any time and be citizens and they would simply come and file these certificates and ask to be enrolled. We called in Chief Harris and asked his advice about enrolling these people and he says: "It's a long way around to the Council to go and readmit these parties, when the members are satisfied that they are Cherokee, and where the Committee is satisfied that the parties are Cherokee he says I think it is nothing but right that they should enroll them and not go to the trouble of asking the Council to readmit them. On his advice, we enrolled quite a number that had never been enrolled by any Council.

Q The laws in this case had never been complied with? A I suppose not.

Commissioner--

Q Who is the father of Addie Matthews? A My understanding is that Mr. James Taylor is.

Q You know whether he was ever legally admitted or not? A I do not.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 15th day of March, 1901.

E. J. Hottelberger
[Signature]
Commissioner.

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C. D-697

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 7, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of David J. Matthews for the enrollment of himself, wife and children as Cherokee citizens.

Appearances:

Isaac P. Parker, Jr., of Hutchings, Parker & West, Vinita I.T., attorneys for the applicant;
W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant and his attorneys, Hutchings Parker & West of Vinita, I. T., were notified by registered letter February IV, 1902, that the applicant, David J. Matthews' application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up by the Commission for final consideration at its office in Muskogee, Indian Territory, on the 7th day of March, 1902; applicant this day, to-wit: 7th day of March, 1902, appears here by his attorneys.

BY MR. PARKER: I desire to refer to the testimony of David Taylor, which was offered in connection with D 941 and D 772.
BY COMMISSION: It is directed that the testimony of David Taylor had in Cherokee cases No. D 941 and D 772, be filed and made a part of the record in this case.

BY MR. PARKER: Reference is also made to the fact that the father of Addie Matthews appears upon the roll of North Carolina Cherokees who removed to this country under the act of October 22, 1881.

BY COMMISSION: The representative of the Cherokee Nation will be granted ten days in which to file with the Commission a certified copy of the act of the Cherokee National Council under which the North Carolina Cherokees removed to and settled in the Cherokee Nation.

The attorney for the applicant and the representative of the Cherokee Nation present submit the case, and same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

The attorney for the applicant requests and will be granted 20 days in which to file a brief in the case, one copy with the Commission and one copy with the representative of the Cherokee Nation.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D. Green

020694

notes thereof.

foregoing is a full and complete statement of the facts and circumstances of the case, and the Commission is of the opinion that the same should be placed on file for the use of the Bureau of Indian Affairs.

From the evidence now on file, the Commission is of the opinion that the same should be placed on file for the use of the Bureau of Indian Affairs. The Commission is of the opinion that the same should be placed on file for the use of the Bureau of Indian Affairs.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE CIVILIZED TRIBES

1882

the following case not to be placed on file for the use of the Bureau of Indian Affairs. The Commission is of the opinion that the same should be placed on file for the use of the Bureau of Indian Affairs.

File with case C. D. #697

Supl.-C.D.#745.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
JOHN N. TAYLOR, ET AL., as citizens of the Cherokee Nation; in-
troduced on part of the Applicants:

The applicant was notified by registered letter February 18, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 18th day of March, 1902. On said date the applicant appeared in person and by his Attorneys, Hutchings, Parker & West, Vinita, Indian Territory, and by agreement with the representative of the Cherokee Nation present, the case was continued until the 21st day of March, 1902. On this day, to-wit: the 21st day of March, 1902, the applicant appears in person and by his Attorneys.

Mr. W. W. Hastings, Cherokee Representative, present.

Commission: The Attorney for the applicant requests that the testimony had this day in the matter of the above application be filed with and made part of the record in the following cases: James Taylor, which was closed on the 13th day of March, 1902, No. D. 941; David J. Mathews, et al., closed March 7, 1902, No. D. 697, and Frank M. Rucker, et al., closed March 17, 1902, No. D. 772.

W. J. McKEY, being duly sworn, testified as follows on
part of applicants:
BY MR. PARKER:

Q State your name and residence? A I live in Tahlequah district, that is my home; I am at Wagoner at present; my name is W. J. McKey.

Q What is your age? A 60 years old.

Q Where were you born? A Born in North Carolina.

Q How long have you lived in the Cherokee Nation? A Ever since 1867.

Q What official positions if any have you held in the Cherokee Nation during your life?

Mr. Hastings: I submit that is entirely irrelevant.

Q What official positions have you held? A Why I was census taker there twice in Flint district.

Q Were you acquainted with James Taylor? A Yes, sir.

Q What has been his principal occupation or business during the time you have known him? A Which Jim Taylor?

Q I mean old man Jim? A He has been most of his time since I can recollect in Washington, tending to business of the Nation.

Q Representative of the Nation, of the North Carolina Cherokees? A Yes, sir.

Q Where has he been representing them? A At Washington.

Q Were you ever a member of the Convention that appointed him or give him authority to represent the North Carolina Cherokees?

A Yes, sir; I suppose I was.

Q I wish you would examine that paper, and see if that is a copy of the proceedings had at the convention and in what capacity you participated in that proceeding (paper shown witness and examined by him)? A Yes, sir, but I don't know anything about it.

Mr. Hastings: I submit that is a matter that is entirely irrelevant and it cuts no figure whatever with this case; it makes no difference how many North Carolina people he represented, it does not tend to show that he is entitled to citizenship here in any wise.

Mr. Parker: In that connection Attorney for the applicant desires to state that it is for the purpose of showing what *James Taylor* was doing while residing in Washington, and thereby accounting for his absence from the Cherokee Nation.

Witness: That is the date of the proceedings.

Q In what capacity did you participate in that proceeding?

A I was president of that gathering.

Q What did that gathering do? A It give Jim Taylor authority to look after the interests of the Cherokees of North Carolina in Washington.

Q What year was that? A 1894.

Mr. Parker: We desire to offer this copy of the proceedings had on that day.

Mr. Hastings: Well, the Cherokee Nation objects to it, first because it is a matter entirely irrelevant, and second because it is not certified to and is only a typewritten copy and no signatures thereto.

Commission: The document will be filed, and the attorney for the applicant is requested to furnish the Commission with a certified copy of the same.

Q Do you know whether or not previous to that time James Taylor had been authorized to represent the Emigrant or North Carolina Cherokees, or had acted in that capacity? A No, sir, I don't know that he was; always my understanding is that he was at work for them; I don't know what authority, and don't know whether it was done by convention or anything about that.

Mr. Parker: We desire to now offer in evidence a certified copy of the proceedings of the Convention held at Tahlequah on the 3d and 4th day of October, 1884, approving and confirming the actions of the Delegate, James Taylor, and conferring upon him additional powers as their representative.

Mr. Hastings: The representatives of the Cherokee Nation object to the filing of this document because it is not a certified copy of the record, and it does not purport to be, and because the same is irrelevant and immaterial.

Q Where were you in 1880, Mr. McKey? A I was in the Cherokee Nation.

Q Please state briefly your recollection of what happened in 1880 and 1881 with reference to the emigration of the North Carolina Cherokees to this country? A Well, there was an Act passed the Council in 1880, sometime in December, that there were two delegates sent back to North Carolina to invite the North Carolina Cherokees to the Cherokee Nation.

MR. HASTINGS:

Q That Act was a matter of record there? A Yes, sir.

MR. PARKER:

Q Did you go with those delegates? A I didn't go with them; I met them there.

- Q Did you see the applicant, John M. Taylor, Jr., if so, where?
 A Yes, sir; I saw him there in Cherokee County, North Carolina where those delegates had assembled with a crowd of Cherokees.
 Q Was he among them? A Yes, sir.
 Q What did that delegation do at that time? A They just extended the invitation to them to come to this country.
 Q Pursuant to that invitation did people from that county and neighborhood come to the Cherokee Nation? A Yes, sir.
 Q When did you next see John M. Taylor, Jr.? A I don't recollect exactly but I think best of my memory serves me, it was in '81.
 Q Whereabouts was he? A In Tahlequah.
 Q In this country, Cherokee Nation? A Yes, sir, after I left there.
 Q At what time did the North Carolina Cherokees who had accepted that invitation remove to the Cherokee Nation? A Some of them came that summer and in the fall.
 Q It was that fall that you saw John M. Taylor here?
 A I think it was.
 Q To the best of your knowledge where has John M. Taylor resided since that time? A I could not tell you; I have seen him often; I have seen him at Tahlequah, in Cooweescoowee. I have heard of him often.
 Q In this country? A Yes, sir, I don't know whereabouts he lived.
 Q Were the North Carolina Cherokees who came in response to that invitation required to register at Tahlequah and to be enrolled, to your knowledge? A I could not tell you anything about it.
 Q Did you so understand at that time? A I don't recollect anything about whether they were required to enroll or not; I know there was some that did enroll.
 Q Was anything said about whether they would have to enroll or not?
 A I never heard anything about it; there was some that enrolled that fall, some of the Powell children.
 Q If they were required to enroll in response to that invitation you didn't know it at that time? A No, sir.
 Q You were in Cherokee country, North Carolina when the invitation was extended? A Yes, sir.
 Q And was here when they came? A Yes, sir.
 Q According to your information where has James Taylor, the old man, made his, considered his home; where is his home considered to be since the North Carolina Cherokees came west? A I have saw him several times since and he always told me he lived in Cooweescoowee with his children.

MR. HASTINGS:

- Q The North Carolina Cherokees did come and enroll, didn't they, Mr. McKay, when they came here, to the Executive office? A Some of them did.
 Q Well, do you know of any outside of these that didn't?
 A No, I don't know that I do.
 Q You don't know of any? A No, I don't.
 Q As a matter of fact they all come there and were enrolled and were paid some money by an Act of the National Council? A Yes, sir.

Mr. Hastings: The Cherokee Nation offers in evidence a certified copy of the Act of National Council approved December 16, 1881, the same being an Act or appropriation for the relief of the North Carolina Cherokees lately removed to the Cherokee Nation.

Commissioner: The document will be filed and made part of the record in the case.

Mr. Parker: Attorneys for the applicant desire to object to the introduction of the Act of December 15, 1861, for the reason that the same provides for the payment of certain sums of money to persons whose names appear upon the roll, and has nothing whatever to do with persons who might have settled in the Cherokee Nation in response to the Act of December 3, 1860, and whose names were not upon that roll.

Mr. Hastings: The Cherokee Nation offers this certified copy of this Act in evidence for the purpose of showing that all the persons who came to the Cherokee Nation under the Act of December 3, 1860, aggregated 168 persons and were enrolled in the Executive office of the Cherokee Nation, and the name of the applicant does not appear thereon.

Commission: The document will be filed and made part of the record.

The Attorney for the applicant requests and will be granted 20 days in which to file a brief in this case.

The Attorney for the applicant and representative of the Cherokee Nation submit the case. The same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

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I, J. O. Rossen, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rossen

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application
for enrollment as Cherokee citizens
of, David J. Mathews, wife and
children.

By reference to the testimony taken on October 22nd, 1900, it will be observed that through a misapprehension of the facts with reference to the application of James Taylor, the father of applicants wife, for enrollment in 1896, this family was rejected. After consultation with counsel, the applicants offered further evidence on October 25th, and the Honorable Commissioner made the correction and placed them on a doubtful card for consultation of the full record in the case of her father before the Dawes Commission.

It was decided in the case of Stephens v. Cherokee Nation, and since by this Honorable Commission that at the time James Taylor made application for enrollment the Dawes Commission, to-wit, 1896, it was without jurisdiction, the time limit within applications could be received having expired. But be this as it may no action was taken upon the application of Taylor, and no opportunity was ever given him to appear and offer evidence in support of his claim. And all this is, in any event, immaterial so far as it affects the present application, for the reason, that James Taylor, the father of applicants wife, having been duly registered and enrolled as a North Carolina Cherokee in 1881, if he lost his citizenship at all it was by reason of some act of his, to-wit abandonment, which could in no wise affect these applicants who had established their home and remained continuously in the Cherokee Nation. Abandonment by the father, if it had taken place, which it did not, would not deprive a married daughter who had long before in good faith established her residence in the Cherokee Nation and continued to live there without regard to his whereabouts.

Addie Mathews, nee, Addie Taylor is the daughter of James ~~Taylor~~ and Adelina Taylor, and was born in 1872. She was nine years old at the time her Father, James Taylor, and other members of the family accepted the invitation extended to North Carolina Cherokees to remove to the Cherokee Nation: this was in 1881. Her father and two brothers were recognized as Cherokees by Flood, and their names appear in the list of North Carolina Cherokees who removed to the Cherokee Nation under the provisions of the act of the National Council approved December 3rd, 1880, their names being James Taylor # 20; J. L. Taylor, and William Taylor.

In 1890, the daughter Addie, then 18 years of age, came to the Cherokee Nation and permanently located here and on December 8th, 1890 was united in marriage to David J. Mathews, and they have ever since lived together as man and wife in the Cherokee Nation, and have made and still own valuable improvements on the public domain the result of their own labor and savings. The time intervening between 1881 when her father and brothers came here and 1890 when she came was spent in school at Henderson, N.C. (see evidence of James Taylor.)

As a result of the marriage of Addie and David J. Mathews, four children were born, Mary L. 9 years old, William L. 7 years; Joseph T. 5; and Jessie M. 2 years. The mother and two oldest are found on the 1894 roll, but this family was not enrolled in 1896.

It is not difficult to determine why this family was not enrolled in 1896. Addie and her two children were duly enrolled in 1894, and there is no pretense that they have not lived in the Cherokee nation since 1890. Claiming under her father as a duly enrolled citizen, what possible excuse had the Cherokee Commission of 1896 to omit them? It was done through mistake or prejudice, and if it had been material we could and would have shown which it was. In this connection we call attention to the testimony of William E. Sanders, a citizen prominent in the Councils of the Cherokee Nation, showing that long previous to 1896 the right of Addie Mathews to enrollment was considered and passed upon. The omission to enroll them in 1896 certainly should not prejudice them.

The Cherokee Nation insists in other cases that it is nothing in ^{applicant's} ~~their~~ favor to be on the 1896 roll; that it is not accurate, and many are known to have been enrolled improperly. Is it possible that the men making that roll erred in that respect only? Might it not be true that through mistake or ~~some~~ motive persons rightfully entitled to enrollment were omitted? The law does not require persons to be on the 1896 roll, and continuous residence being shown, it becomes only an incident, and one of little importance, now that this Honorable Commission has jurisdiction to determine the whole question.

Under the Section 22 of the Curtis Act, the Commission is required to enroll two classes of citizens, first, all persons whose names are found on the 1880 Roll and all descendants born since the date of said roll to persons ~~whose names~~ whose names are found thereon, and second, all persons who have been enrolled by the tribal authorities, who have heretofore made permanent settlement in the Cherokee Nation, whose parents by reason of their Cherokee blood have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted. Clearly, Addie Mathews and her family come squarely within the latter class. James Taylor, her father, by reason of his Cherokee blood was lawfully admitted to citizenship in this nation, as a North Carolina Cherokee in 1881 by the tribal authorities of the Cherokee Nation, his name being No. 20 on said roll, and Addie, wife of applicant here, was a minor (nine years of age) when her father was so admitted, and she has heretofore, to-wit, 1890, (four years before the limitation Act of 1894) made permanent settlement in the Cherokee Nation, and was duly enrolled by the tribal authorities in 1894 as a Cherokee by blood.

Her marriage to David J. Mathews is shown by a license issued by the Clerk of Cooscoowee District, December 8th, 1890 authorizing the marriage, and the certificate shows in accordance with that authority they were married by Rev. P. C. Grace. Birth of the four children has been satisfactorily ~~proven~~ proven, all of which clearly entitled this family to enrollment.

Respectfully submitted,
W. H. H. H.

Copy for Representatives
Cherokee Nation

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David J Matthews
and family

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U. S. DEPT. OF THE INTERIOR
FILED
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ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR.

Commission to the Five Civilized Tribes.

Muskogee, I. T. June 2^d 1902.

Cherokee L 697.

In the matter of the application of David J. Matthews for enrollment of himself as a citizen of the Cherokee Nation by intermarriage, and for the enrollment of his wife as a citizen of the Cherokee Nation by blood.

Supplemental Memoranda for Applicants.
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Permission is asked to file this further memoranda on behalf of the applicants. If it adds nothing to what is already known, no harm is done. If it serves to call attention to additional facts which are in applicants favor, certainly it ought to be received.

The decision upon this application is a matter of the highest importance to these applicants. It is the crisis of their lives. It involves their birth right, and with it the farm upon which has been spent their labor and savings for twelve years.

It is stated that subsequent to 1866 the father and mother of Matthews wife, (and one of the applicants, and through whom they claim) were separated and that she did not come to the Cherokee Nation until 1890, leaving it for you to infer that she had abandoned her father and the rest of family to remain with her mother during this time. The evidence in this case, and D 772 and D. 941, show clearly this was not the case, if it were really important to know where this little girl spent her childhood. It appears from the evidence that she was not with her mother, for her mother died in 1861. (See evidence D. 941, taken Jan 17th 1901) ^{but} she was at boarding school, and part of the time her tuition was at the expense of the government because she was a Cherokee Indian by blood. The evidence in the case of her father D. 941, shows that he was a prominent man among his people in those years, and sacrificed much time, energy, and money in their behalf. He was recognized as their representative at Washington on many occasions, and was largely instrumental in securing the passage of invitation to the destitute North Carolina Cherokees.

embodied in the Act of December 3rd 1880, and personally led the emigrants so invited to their New home. That he and his entire family accepted the invitation to remove west, except his wife (white woman) from whom he was separated there can be no doubt.

All of the boys and his brothers came as he did. His two daughters, the ~~the~~ little girls, were left in school, where they remained until conditions were more settled and their work at school was completed. they both came to the Nation, the only home they had to go to where their entire family lived.

much stress is laid upon the fact that this daughter Aldie's name does not appear on a list of 168 persons to receive the necessities of whom the Cherokee Nation appropriated a sum of money of 100 1st 1881. She was a mere child nine years old in charge of some government school, *at that time*

as a legal proposition, there is nothing in the Act of Dec. 3rd 1880 requiring the North Carolina Cherokees to enroll or register upon coming to the Nation, it was a mere voluntary act, but if they omitted to do so, they were Cherokees still, and entitled to recognition as such, in fact they came here under that invitation within the time required by law. True most of those who came did register, but there was nothing requiring it, and it was done in order to secure their removal money, and a participation in such appropriations as the one referred to; it was necessary in paying out this money to have some list no doubt, but the list itself formed no element of their Citizenship- it was simply a roll or list. Being on that list proves one fact, prima-facie viz., that the persons named had at that time accepted the invitation of the Cherokee Nation. Applicants father and brother James are named because they were here at the time the list was made and drew their money.

however the questions as to ~~which~~ whether a person was a North Carolina Cherokee, and did in fact within the time required by law, accept the invitation to come west, are both ones of fact that may be shown by other and competent testimony, and this list is only one of the means of showing those facts.

Suppose for instance a child had come in 1880 with its parents and for some cause was omitted from that list. would it be any less a North Carolina Cherokee who had come in response to the invitation of December 3^d 1880? Certainly not, and it would have lost would be its pro-rata share of the sum appropriated for the relief of those whose names appeared on that list.

We have shown by indisputable evidence that Addie Mathews is a North Carolina Cherokee, that the family of which she was one came to the Cherokee Nation in 1881 in response to the invitation in the Act of Dec 3^d 1880, and duly admitted to citizenship. That ~~these applicants were~~^{all} minors when ~~they~~ parents were so admitted in 1880 made permanent settlement in the Cherokee Nation, and ^{all} have been enrolled by the tribal authorities as duly recognized Citizens.

Another point to be borne in mind is that when this child Addie ill came, her brother collected her removal money, showing that her coming was pursuant to said invitation and in accordance with the purpose of the family, and understanding of the government.

Considering it from another standpoint, the family having come, and been admitted, as long as she remained a child away temporarily -- as at school where she was, ~~there~~ home, in law and fact, was her home, and since she came long prior to the Act of December 4th 1894, which was the first Act affecting the residence of Citizens, requiring them to permanently settle here within a certain time.

Since coming here in 1880 and entering into marriage with David J. Mathews, Addie, her husband and children have been recognized as Citizens of the Cherokee Nation, and accorded all the rights and privilege of such, and from any stand-point we cannot see any possible ground upon which they should be excluded.

Respectfully Submitted.

Attorneys for Applicants.

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DEPT. OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
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In the matter of the application of David J. Matthews for enrollment of himself as a citizen of the Cherokee nation by intermarriage and for the enrollment of his wife as a citizen of the Cherokee nation by blood.

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The testimony in this case shows that David J. Matthews was married to his wife Addie Matthews, nee Taylor, on December 16, 1890, that she came in that year to the Cherokee nation when she was past eighteen years of age and that she never was readmitted to citizenship by any authority having jurisdiction. She claims under the act of December 3rd 1880, but she does not aver that she came to the Cherokee nation at that time and the testimony further shows that her father and mother were separated and that she made her home with her mother in the state where she continued to reside until 1890 when she first came to the Cherokee nation. The testimony in this case further shows that James Taylor her father was rejected in 1896 and that he is not a citizen of the Cherokee nation.

We contend that if the applicant desired to avail herself of the act of December 3rd 1880 that it was necessary for her to have come at that time and to have enrolled her name with the authorities of the Executive Department of the Cherokee Nation because the records show that the list was made and kept on file in the Executive Department of the Cherokee Nation of all those persons who came under that invitation and that said list included men, women and children, in fact all the members of the families who came, and the name of the applicant does not appear upon that list as coming and she admits that she did not come to the Cherokee Nation until 1890, after she was 18 years of age. The testimony in this case further shows that the Cherokee nation on December 16th 1881 passed an act making an appropriation for the relief of these North Carolina Cherokees who came under the act of December 3rd 1880. Said act recites

MADE IN U.S.A.

that there are 168 persons and that their names appear as members of this band upon the rolls now on file in the Executive Department of this nation."

This to our mind clearly shows that they were required to enroll upon their reaching the Cherokee nation.. Money was paid out upon this roll and if they were here and entitled their names would certainly have been placed thereon.

We contend that inasmuch as the name of the applicant is not upon said roll and that inasmuch as she did not reach the Cherokee Nation until she had reached her majority and inasmuch as she had never been readmitted to citizenship upon her removal to the Cherokee nation that under the law she is not entitled to be enrolled as a citizen of the Cherokee Nation by this Commission.

Respectfully submitted,

W. W. Hastings

J. C. S.

Attorney for the Cherokee nation.

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DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, September 30th, 1902.

In the matter of the application of David J. Matthews for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of his wife Addie Matthews and his children Mary L., William L., Joseph T. and Jessie M. Matthews as citizens by blood of the Cherokee Nation.

Supplemental to D-697.

Appearances:

Applicant appears in person.
Cherokee Nation by J. C. Starr.

DAVID J. MATTHEWS, being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name, please? A. David J. Matthews.
Q. How old are you at this time? A. 40.
Q. What is your post office? A. Claremore.
Q. Are you the same David J. Matthews for whom application was made to this Commission on October 22nd, 1900, for enrollment as an intermarried citizen? A. Yes, sir.
Q. What is your wife's name? A. Addie Matthews.
Q. Is she a citizen by blood of the Cherokee Nation?
A. Yes, sir.
Q. When were you and she married? A. In 1890, December.
Q. Married according to a Cherokee license? A. Yes, sir.
Q. Were you ever married prior to your marriage to your wife Addie? A. No, sir.
Q. Was she ever married prior to her marriage to you? A. No, sir.
Q. Have you lived together as husband and wife from the time of your marriage until the present time? A. Yes, sir.
Q. Never been separated? A. No, sir.
Q. You have never married any other woman since your marriage to her? A. No, sir.
Q. You were living together as husband and wife on September 1st, 1902? A. Yes, sir.
Q. Have you lived in the Cherokee Nation since your marriage to your wife? A. Yes, sir. Never lived out. Lived in Claremore all the time.
Q. How long has your wife lived in the Cherokee Nation?
A. Since 1890.
Q. Continuously? A. Yes, sir.
Q. Never been out since 1890? A. No, sir.
Q. Is your wife living at this time? A. Yes, sir.
Q. Is your children, Mary L., William L., Joseph T. and Jessie M. all living now? A. Yes, sir.
Q. These children have always lived in the Cherokee Nation, have they? A. Yes, sir.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 16th day of October, 1902.

B. C. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of David J. Matthews for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Addie Matthews, and his children, Mary L. Matthews, William L. Matthews, Joseph T. Matthews and Jessie M. Matthews, as citizens by blood of the Cherokee Nation.

P E R I O D I C.

The record in this case shows that on October 22, 1900, David J. Matthews appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Addie Matthews, and his children, Mary L. Matthews, William L. Matthews, Joseph T. Matthews and Jessie M. Matthews, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Claremore, Indian Territory, on October 25, 1900, and at Muskogee, Indian Territory, on the following dates, to-wit: January 22, and March 15, 1901, and on March 7, and 21, and June 28, 1902, and September 30, 1902. Affidavits as to the birth of Joseph T. Matthews and Jessie M. Matthews were filed with the Commission on October 22, and November 9, 1900.

The evidence shows that on December 17, 1890 the said David J. Matthews was lawfully married, under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation, to said Addie Matthews, nee Taylor, a Cherokee by blood, who is designated in said license as Ida Taylor. The other applicants, Mary L., William L., Joseph T. and Jessie M. Matthews were born of said marriage and are minors. Addie Matthews, Mary L. Matthews and William L. Matthews are identified on the 1894 strip payment roll. The other applicants, Joseph T. Matthews and Jessie M. Matthews, are not upon any roll, but are identified by birth affidavits made a part of the record herein.

The mother of the said Addie Matthews, a white woman, died in the State of North Carolina about sixteen years ago, but her father, James Taylor, who is a Cherokee by blood, came to the Cherokee Nation in 1881, under the provisions of an Act of the National Council of said Nation, approved December 3, 1880, and is duly identified on the 1881 Register of North Carolina Cherokees in possession of this Commission. The said Addie Matthews upon the date of the admission of her father to citizenship in the Cherokee Nation, and also at the time she removed thereto and made settlement therein in 1890, was a minor.

The evidence further shows that the said David J. Matthews and Addie Matthews have lived together continuously as husband and wife in the Cherokee Nation since the date of their marriage up to and including September 1, 1902. Their minor children, the other applicants herein, have resided with them since the date of their birth. The said James Taylor, father of the applicant, Addie Matthews, has also been a resident of the Cherokee Nation since the date of his admission to citizenship therein in pursuance of the provisions of said Act of December 3, 1880.

It is, therefore, the opinion of this Commission that David J. Matthews should be enrolled as a citizen by intermarriage of the Cherokee Nation, and that Addie Matthews, Mary L. Matthews, William L. Matthews, Joseph T. Matthews and Jessie M. Matthews should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Jama Flaby.
Acting Chairman.

T. B. Needles.
Commissioner.

C. R. Brown.
Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 10 1902

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,

Muskogee I. T. December 18th 1902.

In the matter of the application of David J. Matthews et alix for enrollment as citizens of the Cherokee Nation.

Cherokee D 697.

Protest of the Cherokee Nation.

Come now the Cherokee Nation and protests again t the decision of the Commission rendered in this case on 22 December 10th 1902 and respectfully asks that same, with the record and the brief heretofore filed by the Cherokee nation be forwarded to the Honorable Secretary of the Interior for review.

In addition to the argument in said brief the attention of the Honorable Secretary of the Interior is called to the misstatement made in the judgment of the Commission wherein the Commission states that Addie Matthews, wife of David J. Matthews, the principal applicant in this case was a minor at the time she removed to and located in the Cherokee nation in the year 1890. The testimony of herself taken at Claremore shows in answer to the question "You were 19 years old then?" She replied "I was just 18."

This shows that she was not a minor; that she was of age and that she had reached her majority before she came to the Cherokee nation.

Respectfully submitted,

W W Hastings

Attorney for the Cherokee Nation.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-6-1-1

Muskogee, Indian Territory, December 15, 1902.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of David J. Matthews for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Addie Mathews, and his minor children, Mary L., William L., Joseph T. and Jessie M. Matthews, as citizens by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,


Acting Chairman.

Enc. H-267.

PR

COMMISSIONERS.
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. HEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Sherokee 2-077.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 20, 1902.

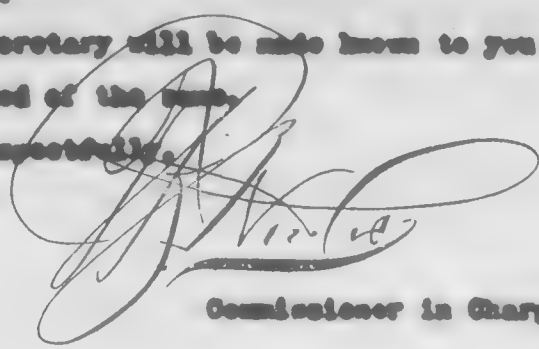
V. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 18, 1902, granting the application of David J. Matthews for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Addie Matthews, and his four minor children, Mary L., William L., Joseph T. and Jessie M. Matthews, as citizens by blood of the Cherokee Nation, a copy of which decision was furnished you on December 18, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Commissioner in Charge.

COMMISSIONERS

HENRY L. DAWES.
TAMS BIXBY,
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-697

Muskogee, Indian Territory, February 13, 1903.

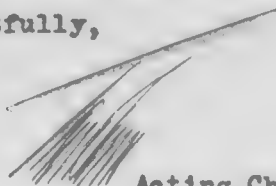
W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 10, 1902, granting the application of David J. Matthews for the enrollment of himself as a citizen by inter-marriage, and for the enrollment of his wife, Addie, and his four minor children, Mary L., William L., Joseph T. and Jessie M. Matthews, as citizens by blood, of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 2, 1903.

Respectfully,



Acting Chairman.

Walter Matthews

CD 697

Addie Matthews et al.

X C. H. Taylor says that he went to Washington D. C. in November 1872 and ~~boarded at a boarding house~~ stopped at a boarding house; that he saw James Taylor, alleged father of Addie Matthews in October in W. C. and it is thought that James Taylor had come home in the Spring of 1872 to N. C. C. H. Taylor asked Jim Taylor where his wife was and he (Jim) told him that she was in Washington D. C. boarding at the American hotel. When C. H. Taylor went to Washington he called at the American Hotel and asked for Mrs Taylor and he was advised that she had moved to a private house across the avenue and he then called at the private house and found her with two communicating rooms and that she was there living with a doctor by the name of Dr Moran and in a week or so she and Dr Moran moved to the Kirkwood Hotel and rented connecting rooms there and in the spring of 1873 Mrs Taylor gave birth to a child which is now Addie Matthews. C. H. Taylor was at the place the next day after the child was born and gave it sweetened tea the first nourishment it ever had; Dr Moran left immediately after the child was born and went to Baltimore Md and the mother of the child was taking fever and C. H. Taylor called the attention of the proprietor of the Kirkwood hotel to that fact and he made an investigation and sent

(2)

C. H. Taylor for a doctor and wired Dr Moran to come back at once. Moran returned immediately; as soon as Dr Moran came or returned the proprietor of the hotel sent C. H. Taylor after James Taylor and when C. H. Taylor went to see James Taylor he was informed by James Taylor that he would not go to the hotel without a written order and C. H. Taylor then went back to the hotel man and the latter sent a written request by C. H. Taylor requesting James Taylor to come down and upon receipt of this written request James Taylor went to the Hotel. The reason that the proprietor had sent for James Taylor was to ascertain who was responsible for the board bill of Mrs Taylor which amounted to something over three hundred dollars. James Taylor stated there that Dr Moran was responsible for the board Bill of Mrs Taylor for the reason that he had taken her there and James Taylor then and there informed the hotel man that Mrs Taylor had before that time quit his board and bed. Dr. Moran assumed the responsibility and paid the board bill. After Mrs Taylor recovered she went to North Caroline and gave the child to C. H. Taylors sister who is Mrs Kate McDaniel, (Who now lives on Grape Creek N.C and whose post office is now probably Murphy N. C.)

When Taylor was called in at the hotel to settle the board bill he disclaimed the child and said it was not and ~~had~~ ^{had} always denied it after that.

Mrs Octavia Harkness, daughter of Mrs Kate McDaniel and who now lives at Tahlequah I. T. will state that Her mother raised Addie Matthews; (Affiant Octavia Harkness is now 45 or 50 years old) and that James Taylor never claimed her as his child, in fact he always denied her and that her mother (Addies mother) gave Addie to Mrs McDaniel and she raised her.

David Taylor, Chassee I. T. (Who testified for Dora Barker and whose testimony is on file in this case) will also testify that Mrs Kate McDaniel raised Addie Matthews, that Mrs Taylor gave her to Mrs McDaniel and that James Taylor never recognized her and in fact always denied her and said she was not his child.

Dave Taylor knows that the Child Hiram was the cause of the separation; that Hiram was born before Addie was born and that it was generally understood throughout the country at that time that Peard Welch was the father of Hiram and that on this account James Taylor and his wife had separated; and that David Taylor knows that Peard Welch claimed Hiram as his child and admitted it.

Martha Setser, Tahlequah I. T. will perhaps testify that Kate McDaniel raised Addie Matthews; that she was given to Kate McDaniel by her mother Addie Taylor; she was never claimed by James Taylor as his child in fact James Taylor always denied her and that Addie Matthews was never recognized by any of the Taylor connection as being a child of James Taylor.

Peard Welch now lives at
Sallisaw & may be a valuable
witness in the Cherokee Nation

Also Alrilda Kidd Grove I.T.
would perhaps be a valuable
witness - she is a sister to Octavia
Harkness & daughter of Mrs Kate McDaniel

0697

David J. Matthews et al

(Came from the red line, saved
red line)

Cher D 698

Cher D 698

Department of the Interior.
Commission to the Five Civilized Tribes.
Claremore, I. T., October 25th, 1900.

In the matter of the application of Robert L. Wayburn for the enrollment of himself, wife and children as Cherokee citizens; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your full, name? A Robert L. Wayburn.
- Q How old are you? A 33. *a year back*
- Q What district do you live in? A Ocoeeecococoe.
- Q Who is it you want to have put on the roll; yourself and family?
- A Yes sir.
- Q Have you a wife? A Yes sir.
- Q How many children? A Three.
- Q Are you a Cherokee by blood? A Yes sir.
- Q What's your wife? A She's a Cherokee by adoption.
- Q She's a white woman, is she? A Yes sir.
- Q How long have you lived in the Cherokee Nation? A I have been here mostly all of my life; haven't lived here all the time.
- Q Born here? A No sir.
- Q How long have you now been living continuously in the Cherokee Nation? A Six years.
- Q Been here for the past six years? A Yes sir.
- Q Were you ever admitted to citizenship by the Cherokee Commission or Council? A Yes sir, by the Chambers Court.
- Q Have you a copy of the certificate? A Yes sir.
- The applicant presents an official certificate from the Assistant Executive Secretary of the Cherokee Nation showing that certain persons were admitted, by what is known as the Chambers Court of the Cherokee Nation, to citizenship on the 26th of March, 1879.
- Q Now you were admitted in March, 26th, 1879, and came here six years ago? A I came here first in 1881; that was when I first come here.
- Q How long have you been making your home in the Cherokee Nation?
- A Ever since 1884. I haven't been here continually.
- Q Did you first move here permanently in 1884? A Yes sir; well, I came here as a boy.
- Q Since you came here in '84, where have you spent part of the time out of the Nation? A In Texas.
- Q You spent more or less of your time in Texas up to you say in 1894? A No sir, I spent most of my time here, was there twice.
- Q How long did you stay there? A I was there 18 or 20 months.
- Q You mean to say you were only out of the Cherokee Nation twice, and for eight or ten months at a time between 1881 and 1894? A No, I was out of it more than twice, but that is the longest I staid any one time.
- Q Did you vote down in Texas? A No sir, I voted one time in the town election; city election.
- Q When was that? A That must have been in '91 as well as I remember.
- Q You never voted in any Congressional, State, or Presidential election? A No sir.
- Q Did you vote up here in the Cherokee Nation? A Yes sir.
- Q Always voted here? A Yes sir, always voted here when I was here.
- Q Give me the name of your wife? A Emma.
- Q How old is she? A 31.
- Q When did you marry her? A In '91.
- Q Were you ever married except to her? A Yes sir, I was married once before.
- Q Was that wife dead when you married this wife? A Yes sir.
- Q Was your present wife ever married except to you? A No sir.
- Q Have you certificate of marriage to your present wife? A
- The applicant presents a certificate showing that on the 6th of September, 1891, he was married to Miss Emma Landers, license having been issued, and this document is recorded in Volume D, page 383, at Montague, Texas, and it is filed herewith.

3- R.L.W.

Q Has your wife lived with you ever since your marriage to her?

A Yes sir.

Q You married her in '91; when did you bring her to the Cherokee Nation, in '94? A In '94, yes sir.

Q She didn't come here with you until '94? A No sir.

Q In the meanwhile, she was living in Texas, was she? A Yes sir.

Q Have you any children born down there? A One.

Q What interests have you had in Texas between 1881 and 1894? A Didn't have any, only went there to work.

Q What kind of work? A Worked with a Cotton gin.

Q What interests; did you have any up here? A Didn't have any.

Q Trying to get interests here? A Yes sir, trying to get some here.

Q Give me the names of your children. A Oscar.

Q How old is that child? A Eight years old.

Q Give me the name of the next child. A Reana M.

Q How old is that child? A Six.

Q Give me the name of the next child? A Henry W.

Q How old is that child? A Two years old.

Q Have you a certificate of birth for Henry? A Yes sir.

Q These children all living now are they? A Yessir.

Q Where was Oscar born? A In Texas.

Q Where was Reana born? A Over here by Pryor Creek.

Q Born in the Cherokee Nation? A Yes sir, Cherokee Nation.

Q Where was Henry born? A He was born in the Cherokee Nation.

1896 roll; page 288, #5347, Robert L. Waybourne, Cooweescoowee.

Q Has your wife been continuously in the Cherokee Nation since 1894? A Yes sir.

Q Did you apply to have her put on the roll of 1896? A Yes sir.

Q You gave in her name? A Yes sir.

Q Did they take in her name? A They said they could only enroll me and my children, but not my wife.

Q What reason did they give? A They said that they wouldn't enroll white women unless they were married here.

Q They refused to enroll her on the ground that she was married outside? A Yes sir, I think that is it.

Q What time did you come here with your family in 1894? A April 20th, I believe.

Q What condition was attached to your admission by that Chambers Court; were you required to come here within a certain time? A No sir.

Q Are you sure of that? A That's what I am told. We got a certificate when we were admitted and my brother had it and lost it.

Q You haven't a copy of the original? A No sir, it was lost.

1896 roll; page 288, #5348, Oscar Waybourne, Cooweescoowee.

1896 roll; page 288, #5349, Rana Waybourne, Cooweescoowee.

Commissioner-

The applicant applies for the enrollment of himself, his wife, and three children. He is shown to be on the list of persons admitted by the Chambers Court in 1894, as set forth in the testimony. He states that he has considered the Cherokee Nation his home since 1884; that is to say he came here in 1884, and has been here from time to time until 1894, when he moved here permanently and resided here ever since. He is identified on the roll of 1896. For the further consideration of the conditions under which he was admitted and the question of residence, his application for enrollment will be placed upon a doubtful card, he being classed as a Cherokee by blood. He married his wife in 1891 in the State of Texas, and she has lived with him ever since. He has been once previously married, but states that wife was dead when he married his present wife, and she was never previously married. She is not identified on the roll of 1896, but no doubt is entertained of

8- R.L.V.

her having lived with her husband since 1894. As she has never been married within the limits of the Cherokee Nation, and as he states her enrollment in 1896 was refused upon that ground by the Cherokee authorities, she will be listed upon a doubtful card as a Cherokee by adoption, to consider further the effect upon her civil rights of her non-marriage within Cherokee borders. The two older children are identified with their father on the roll of 1896; all are living now, and will be listed as Cherokees by blood on a doubtful card, and when a certificate is filed of the birth of the youngest child, Henry W., he also will be listed as a Cherokee by blood on a doubtful card.

E.G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

E. G. Rothenberger

Subscribed and sworn to before me this 25th day of October, 1900.

M. O. Green
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., September 29, 1902.

In the matter of the application of Robert L. Waybourn for the enrollment of himself and children, Oscar, Rena M., Henry W. and William F. Waybourn, as citizens by blood, and for the enrollment of his wife, Emma, as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Robert L. Waybourn.
Q What is your age? A 35.
Q What is your postoffice? A Wyandocreek.
Q What is your wife's name? A Emma Waybourn.
Q What was her maiden name? A Landrum.
Q How old is she? A 31.
Q Is she the same Emma Waybourn for whom application was made to this Commission on October 25, 1900 for enrollment as an intermarried citizen? A Yes sir.
Q When were you and Emma Waybourn married? A 1891 I believe.
Q Were you ever married prior to your marriage to her? A Yes sir.
Q For many times? A Once.
Q What was that wife's name? A Her name was Emma Thompson.
Q Was she living or dead when you married this wife? A She was dead.
Q Has Emma Waybourn ever married prior to her marriage to you? A No sir.
Q She claims as an intermarried citizen by virtue of her marriage to you does she? A Yes sir.
Q Have you and she lived together continuously as husband and wife since you were married? A Yes sir.
Q You never have been separated? A No sir.
Q She never has married any other man since her marriage to you, has she? A No sir.
Q You and she were living together as man and wife on the first day of September, 1902? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Most all of my life, but continuously for the last eight years.
Q Is your wife Emma and your children Oscar, Rena, Henry W. and William F. all living at this time? A Yes sir.
Q Has Rena a middle name? A Yes sir.
Q What is her middle name? A Rena May.

The undersigned, being duly sworn, states that his stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

B. L. Rothberger

Subscribed and sworn to before me this 16th day of October, 1902.

J. B. Jones
Notary Public.

Cherokee D-698.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Robert L., Oscar, Reana M., Henry W. and William F. Waybourn as citizens by blood of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on October 25, 1900, Robert L. Waybourn appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of himself and his three minor children, Oscar, Reana M. and Henry W. Waybourn, as citizens by blood of the Cherokee Nation. The application also included Emma Waybourn, wife of the principal applicant, as a citizen by intermarriage of the Cherokee Nation, but her status as such is not passed upon at this time, nor is she embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 7, and September 29, 1902.

The evidence shows that the said Robert L. Waybourn was admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said nation, on March 26, 1879, and that he was lawfully married to his wife Emma on September 6, 1891. As a result of that marriage the minor applicants herein were born. The said Robert L. Waybourn is identified on the Cherokee census roll of 1896, as are also Oscar and Reana M; Henry Waybourn is identified by a birth affidavit made a part of the record herein. William F. Waybourn was born subsequent to the original application and an affidavit to that effect was filed with the Commission, showing therein that he is the child of Robert L. Waybourn and Emma Waybourn. Said affidavit is made a part of the record herein. The evidence further shows that said Robert L. Waybourn has resided in the Cherokee Nation continuously since 1894. It is considered that the minor applicants herein, with the exception of Oscar Waybourn, have lived in the Cherokee Nation continuously since birth. The said Oscar's residence in the Cherokee Nation is

considered to have been contemporaneous with that of his father.
It is, therefore, the opinion of this Commission that Robert L. Waybourn, Oscar Waybourn, Reana M. Waybourn, Henry W. Waybourn and William F. Waybourn should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tammie Dixie.

Chairman.

(SIGNED).

T. B. Needles.

Commissioner.

(SIGNED).

C. E. ...

Commissioner.

(SIGNED).

W. E. Stanley.

Commissioner.

Dated at Muskogee, Indian Territory,
this MAR 10 1904

mdg

COMMISSIONERS
TAMM DIXIEY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 698

ALLISON L. AYLESWORTH,
SECRETARY
ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 10, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 10, 1904, granting the application Robert L. Waybourn for the enrollment of himself and his minor children, Oscar, Reana M., Henry W. and William F. Waybourn, as citizens by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from the date hereof within which to file such protest as you may desire to make against the action of the commission in this case. If you fail to file such protest within the time allowed this decision will be considered final.

Respectfully,



Encl. V-32

Commissioner in Charge.

~~Emma~~ ~~Robert~~ Mayburn.

1W

- A Original testimony of 10/23/02
- B Memo of Application of 1/4/03
- C Marriage certificate
- D certified copy of certificate of Admrs.
- E Birth certificate of Henry W. Mayburn
- F Birth certificate of Wm F. Mayburn
- G Receipt of one copy of test.imony
- H Memo of final settlement 3/7/06

Enc C-20

Order closing ledger on 3/7/02
March 31, 1902 No. 1-10-02
Reviewed and closed

See checkbook for 1902

OCT 26 1907

EXHIBIT AS TO CITIZENSHIP AND HIS WIFE LOUISA J. TAYLOR.
BORN: AS TO HER WIFE LOUISA J. TAYLOR.

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, La. T. October, 20th 1900.

In the matter of the application of James E. Taylor for the enrollment of himself, wife and nine children as Cherokee Citizens. He being sworn testified before the Commission as follows:-

- Q What is your name? A. James E. Taylor.
Q How old are you? A. 45.
Q What is your post office? A. Delacah.
Q What district do you live in? A. Coconino.
Q Do you want to enroll yourself and family? A. Yes sir.
Q Have you a wife? A. Yes sir.
Q How many children have you? A. Nine.
Q Are these 9 children all under twenty-one years of age? A. Yes sir.
Q Are any of them married? A. No sir.
Q Are you a Cherokee by blood? A. Yes sir.
Q What is your wife? A. White.
Q How long have you lived in the Cherokee Nation? A. Since 1885.
Q Were you admitted by the Cherokee Commission or Council to citizenship? A. Yes sir.
Q Let me see your certificate.

The applicant presents a duly authenticated certificate of citizenship issued by the Cherokee Commission showing that on the 15th of April 1887 certain persons were admitted to citizenship and among them appears the name of James E. Taylor, age at that time 31 years. (Q- That is your name is it? A. Yes sir.) This is identified as official evidence of applicants admission at the time stated and it is returned to him.

- Q Give me the name of your wife. A. Louisa J.
Q How old is she? A. 37.
Q Where did you marry her? A. Rockford, Tenn.

Applicant presents an official certificate from the Clerk of Blount County, Tennessee, showing that according to the ~~marriage~~ records of his office the applicant and his wife were united in marriage on the 18th of June 1878. This is filed herewith.

- Q Were you ever re-married to your wife after you came to the Cherokee Nation? A. No sir.
Q Your wife was not mentioned in the certificate of admission issued by the Cherokee Council? A. Not that I know of.
Q Your only claim as to her citizenship is through her marriage to you? A. Yes sir.
Q Is she your first wife? A. Yes sir.
Q Are you her first husband? A. Yes sir.
Q Has she lived with you ever since your marriage in 1878? A. Yes sir.
Q And she came with you to the Cherokee Nation when you came in 1885? A. Yes sir.
Q Give me the names of your children. A. Louisa E.
Q What is her age? A. 17.
Q Next one? A. Dora J.
Q How old? A. 16.
Q Next one? A. Samuel E.
Q How old? A. 14.
Q Next one? A. Clyde E.
Q How old? A. 13.
Q Next one? A. Emma E.
Q How old? A. 12.
Q Next one? A. Martha E.
Q How old? A. 9.

James H. Taylor, Jr.

- Q What about A. Emma I.
- Q Now what A. Yes.
- Q What about A. Walter A.
- Q Now what A. Yes.
- Q What about A. Mary I.
- Q Now what A. 10 months
- Q Are these children all living now? A. Yes sir.

1886 roll, page 273, No 4084, James Taylor, Geese...	
1886 328, 1886, Louisa Taylor,	"
1886 273, 4085, Vera Taylor,	"
1886 273, 4086, Dora Taylor,	"
1886 273, 4087, Samuel S. Taylor,	"
1886 273, 4088, Eliza S. Taylor,	"
1886 273, 4089, Sammie M. Taylor,	"
1886 273, 4090, Martha H. Taylor,	"
1886 273, 4091, Emma I. Taylor,	"

The name of Louisa H. Taylor is identified in the certificate of admission cited, there being named as Jennara, and the child Dora and also Samuel are likewise identified in said certificate.

The applicant applies for the enrollment of himself, his wife, and nine children. He is shown to have been admitted to citizenship by the Cherokee Commission in 1897. He states that he has lived in the Cherokee Nation since 1888. He is identified on the roll of 1886 as a native Cherokee and he will be listed now for enrollment as a Cherokee by blood. Of the nine children named in the testimony, the first three are identified with their father in the certificate of admission. All nine of these children are now minors, and the first seven therein named are identified on the roll of 1886. They are living now and will be listed for enrollment as Cherokees by blood. When applicant supplies the Commission with certificates of the birth of his two youngest children Walter A. and Mary I. Taylor, these children also will be listed for enrollment as Cherokees by blood. The applicant shows that he married his wife in 1878 in Tennessee. An official copy of the record of this marriage is filed herewith. He states that she came with him to the Cherokee Nation in 1885 and has lived with him ever since their marriage. She is identified on the roll of 1886, but in order to consider the Cherokee contention that wives not named in the certificates of admission of their husbands and who have not re-married after their husbands' re-mission are not entitled to enrollment, the application of applicant's wife will at this time be placed on a doubtful card for the further consideration of the Commission, she being listed as a Cherokee by adoption. The applicant will be informed of the final decision of the Commission.

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cases and that the foregoing is a full, true and correct transcript of his stenographic notes in said proceedings.

Chas von Weise

Subscribed and sworn to before me this the 25th of October, 1900.

M. D. Green
Notary Public.

R

C. D-499

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 7, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Louisa J. Taylor for enrollment as a Cherokee citizen.

Appearances:

Applicant, and Joe R. Sequichie, agent for applicant;
W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 17, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the 7th day of March, 1902; receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: March 7, 1902, appears in person and by her agent, J.R. Sequichie.

There is offered in evidence a certificate from the office of the Cherokee Commission on Citizenship showing that James E. Taylor was admitted to citizenship in the Cherokee Nation by the Cherokee Commission on citizenship on the 15th day of April, 1887; the document is filed herewith.

The agent for the applicant and the representative of the Cherokee Nation present submit the case and same is ordered closed and reported to the Commission for final decision, based upon the evidence now of record.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D. Green

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 1st, 1902.

In the matter of the application of Louisa J. Taylor for
the enrollment of herself as a citizen by intermarriage of the
Cherokee Nation.

Supplemental to D-689.

Appearances:

Applicant appears in person.
Cherokee Nation by J. C. Starr.

LOUISA J. TAYLOR, being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. Louisa J. Taylor.
Q. What is your age at this time? A. 39.
Q. What is your post office? A. Oolagah.
Q. Are you the same Louisa J. Taylor who made application to
this Commission for enrollment as an intermarried citizen on
October----- A. Yes, sir.
Q. What is your husband's name? A. James A. Taylor.
Q. Is he living? A. Yes, sir.
Q. Citizen of the Cherokee Nation by blood? A. Yes, sir.
Q. When were you and he married? A. '78.
Q. Where were you married? A. Married in Tennessee.
Q. When did you come to the Territory? A. '85.
Q. Was he admitted by the Cherokee authorities to citizenship
after you came here? A. Yes, sir.
Q. Were you ever remarried after his admission? A. No, sir.
Q. Have you and he lived together as husband and wife ever since
your marriage? A. Yes, sir.
Q. Never separated? A. No, sir.
Q. Have you lived in the Territory since 1885? A. Yes, sir.
Q. And in the Cherokee Nation? A. Yes, sir.
Q. All the time? A. Yes, sir.
Q. You and he have never been separated? A. No, sir.
Q. Were you living together on the first of September, 1902.
A. Yes, sir.

Jesse O. Carr, being first duly sworn, states that as
stenographer to the Commission to the Five Civilized Tribes he
reported the above entitled case and that the foregoing is a true
and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 22nd day of October, 1902.

Jesse O. Carr
Notary Public.

Cherokee D-699. 188

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Louisa J. Taylor as a citizen by intermarriage of the Cherokee Nation.

DECISION.

--101--

The record in this case shows that on October 25, 1900, James R. Taylor appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment, among others, of Louisa J. Taylor as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 7, 1902, and again at Muskogee, Indian Territory, on October 1, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that the said Louisa J. Taylor was lawfully married, on June 16, 1878, to James R. Taylor, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on April 15, 1887.

The Cherokee Supreme Court, in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. V. A. Dawson held that a white woman, married to a Cherokee Indian at the time of his admission to citizenship, acquires thereby the rights of Cherokee citizenship.

The said Louisa J. Taylor is identified on the Cherokee Census Roll of 1896.

The evidence further shows that the said Louisa J. Taylor has lived with her said husband continuously in the Cherokee Nation since 1885, up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Louisa J. Taylor should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 20, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tarns Dixby

Acting Chairman.

T. F. Needles

Commissioner.

A. T. Breckinridge

Commissioner.

Dated at Muskogee, Indian Territory,

this NOV 20 1902

PRN

COMMISSIONER
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-699.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 26, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting the application of James E. Taylor for the enrollment of his wife, Louisa J. Taylor, as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. H-197.

OFFICE OF THE COMMISSIONER

Edgar Taylor

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

699

FEB 28 1902

*Married before
his band was
admitted JCS*

Edgar Taylor

- ~~1) Original testimony of 1/25/02~~
- ~~2) Memo of Application of 7/25/02~~
- ~~3) Order of final consideration, 3/7/02~~
- ~~4) Receipt for testimony~~
- ~~5) Receipt of admission~~
- ~~6) Supplemental proceedings and order closing testimony 3/7/02~~

*Copy of
in
of
JCS
#4904*

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D 700

DEPARTMENT OF JUSTICE
DIVISION OF INVESTIGATION
OCT 24 1936
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S.

NOTICE TO THE PUBLIC
The following information is being furnished to the public for their information and for their use in the event they are interested in the same. It is requested that they advise the Bureau of any information they may have regarding the same.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I. T. October, 25th 1900.

In the matter of the application of Ida Lee Hawkins for the enrollment of herself as a Cherokee citizen. Being sworn she testified before the Commission as follows:

- Q What is your name? A. Ida Lee Hawkins.
Q How old are you? A. 36.
Q What is your post office? A. Blue Jacket.
Q What district do you live in? A. Delaware.
Q Who is it that you want put on the roll? A. Myself.
Q Are you a Cherokee by blood? A. No sir, by adoption.
Q To whom were you married? A. George A. Hawkins.
Q When did you marry him? A. 1894.
Q He was a Cherokee was he? A. Yes sir.
Q Is he dead or alive? A. Living.
Q Have you a certificate of your marriage? A. Yes sir.
Q Let me see it.—What was your maiden name? A. Ida Carter.
The applicant presents a certificate showing that on August 12th 1894, George Hawkins a Cherokee citizen of the age of 19 was married to Ida Lee Carter a citizen of the United States, the ceremony being performed in the Cherokee Nation by the Rev. Charles Blue Jacket. This is filed herewith.
Q How long did you live with your husband George Hawkins? A. 3 years
Q Was he ever married except to you? A. No sir.
Q Were you ever married previous to marrying him? A. No sir.
Q Have you married since your separation from him? A. No sir.
Q Have you lived in the Cherokee Nation ever since your marriage in 1894? A. Yes sir.
Q Did you leave him or did he leave you? A. He left me.
Q What were the reasons for his leaving you? A. He just went away.
Q Where is he now? A. In Missouri.
Q Has he contributed to your support since leaving you? A. No sir.

1880 roll, page 269, No. 1304, George Hawkins, Delaware Dist. N. C.
1896 477, 1335 George Hawkins, "
1896 474 250 Ida L. Hawkins, "

The applicant applies for the enrollment of herself as a Cherokee by adoption. She is shown to have married her husband in the Cherokee Nation in 1894. The certificate of marriage is filed herewith. She states that she is a white woman and that her husband is a native Cherokee; that she lived with her husband some three years and that he then abandoned her. The neither she nor her husband were ever previously married, and that she has never married since nor secured a divorce from him at this time. Her husband is on the 1880 and 1896 rolls and he is already enrolled upon a straight card. In his own enrollment no mention is made of his former wife. She is identified on the roll of 1896 as the wife of her alleged husband. For the consideration of any further testimony or objection that may arise her application will for the present be taken under advisement and her name will be placed upon a white card and the final decision of the Commission will be made known to her at her post office address.

S U P P L I M E N T A L .

- Q How long has your husband been living in Missouri? A. Just went there a week ago.
Q Do you think he has made his home there? A. He is working in the mines at Galena.
Q How much of his time has he been in Missouri since leaving you? A. I don't know.
Q Has he taken his house hold good with him? A. No sir.
Q Has he any property here? A. A farm.
Q And you just think that he is working for wages to get a little cash? A. Yes sir,
Q And he has not moved away for good? A. No sir.

I, *Chas. W. [illegible]*, do hereby certify that the within and foregoing is a true and correct copy of the original of the same as the same is now in my possession.

Chas. W. [illegible]

Subscribed and sworn to before me this the 25th of October, 1900.

Wm. E. [illegible]
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 7, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Ida L. Hawkins for the enrollment of herself as a Cherokee citizen.

Appearances:

Applicant in person, and by I. B. Bledsoe, Choteau, I. T., agent for the applicant
W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION:

The applicant was notified by registered letter February 17, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on the 7th day of March, 1902; receipt has been acknowledged of the Commission's letter and the applicant this day to-wit: 7th day of March, 1902, appears in person and by her attorney agent, I. B. Bledsoe, Choteau, I. T.

IDA L. HAWKINS, being first duly sworn and being examined testified as follows:

BY MR. BLEDSOE:

- Q Give your full name? A Ida L. Hawkins.
- Q How old are you? A 33.
- Q Where do you live? A Vinita, Indian Territory.
- Q Are you the same Ida Lee Hawkins who applied October 25, 1900 at Claremore for enrollment? A Yes sir.
- Q What is your husband's name? A George Hawkins.
- Q He is a Cherokee Indian is he? A Yes sir.
- Q Were you ever married to him? A Yes sir.
- Q When were you married? A 1894.
- Q Are you living with him now? A No sir.
- Q You are separated are you as husband and wife? A Yes sir.
- Q Did he leave you or did you leave him? A He left me.
- Q Has he been living with you any since he left? A No sir.
- Q You have never married since he left you? A No sir.
- Q And still living within the Cherokee Nation? A Yes sir.

BY MR. HASTINGS:

- Q Had you ever been married before? A Yes sir.

BY COMMISSION:

- Q Who secured the divorce, you or your husband? A I secured it.
- Q Where were you living at the time the divorce was secured? A Afton, Indian Territory.
- Q How long had you been living with your husband before you applied for the divorce; how long did you live together as man and wife? A Three years.
- Q The divorce was granted to you was it? A Yes sir, by his consent.
- Q By how? A I got the divorce through him; he applied for the divorce and couldn't get it, and I let him have the divorce.
- Q And you filed another suit for divorce and it was granted to you? A Yes sir.
- Q On what grounds was the divorce granted? A On the grounds of desertion.
- Q He had left you? A Yes sir.
- Q Where did he go to? A I think he went to Pryor Creek first.
- Q Were you living on a farm at the time the divorce was granted? A No sir, we was living in town.
- Q Did he own the property on which you were living? A Yes sir.
- Q Did you continue to live there or did he live there? A I lived there for awhile until I went home and then he come back.

BY MR. BLEDSOE:

- Q Now, Mrs. Hawkins, you didn't have the money to get the divorce?

A No sir.

Q And he first applied to get the divorce and couldn't do it, and then he afterwards with your consent went and got the divorce and paid for it himself? A Yes sir.

Q After he had quit you and went off and couldn't get the divorce at all without your assisting him in the matter or your consent?

A Yes sir.

W. E. TILLEY, being first duly sworn and being examined testified as follows:

BY COMMISSION:

Q What is your name? A W. E. Tilley.

Q How old are you? A 31 years old.

Q What is your post-office address? A Bluejacket.

BY MR. BLEDSOE:

Q Do you know that this Ida L. and George Hawkins were married?

A Yes sir, I was present.

Q You know that they lived together as man and wife? A Yes sir.

Q You know anything about the cause of their separation? A No I don't.

Q Did he leave her or did she leave him? A He left her.

Q He abandoned her and went off from the place in which they were living? A Yes.

Q You know anything about the divorce matter, who applied for the divorce? A Why he applied for it, wanted the divorce for a good while and tried to get her to get it a good while before she would let him have it.

BY COMMISSION:

Q Did you say he applied for the divorce? A Yes sir.

Q She was granted the divorce was she not? A Why yes, well they both was granted the divorce.

Q On the grounds of desertion; he had deserted her? A Yes sir, he had deserted her and wouldn't provide.

Q Where were you living at the time of their separation? A Bluejacket.

Q That was near their place? A I was living about three miles of them.

Q What relation if any do you bear to the applicant, Ida L. Hawkins? A Why she is my sister-in-law by marriage.

Q Were you related to her husband? A Yes sir.

Q What relation did you bear to him? A First cousin.

Q Do you know anything of your own knowledge about this separation of theirs? A Nothing only what he said. What George Hawkins said.

Q What did he say? A He allowed she was too good for him.

Q Did he say anything about leaving her, that he had left her? A Why he said a good deal, I don't remember just what all he did say about it.

BY MR. BLEDSOE:

Q You know of your own knowledge though that he did leave her? A Yes sir.

Q And she still lives in the Cherokee Nation? A Yes sir.

BY MR. HASTINGS:

Q How far do you live from them? A About three miles.

Q Now were you down there at the time they separated? A No not at the time.

Q You know the cause of the separation? A Why, nothing only just what I told you a while ago.

Q What he said? A Yes sir.

Q You know anything that brought about any disturbance between them? A Why yes, he was running around nights.

Q He was? A Yes.

Q Then did he leave the place or did she? A He left the place, left her there.

Q Where did he go to? A He took a bum on the train around through the Nation and come up there to Bluejacket and then pulled out up to

3- D 700

Galena, Missouri.

Q Where is he now? A In Galena.

BY COMMISSION:

Q Did you know them continuously during their married life? A Yes sir.

Q Had she always treated him in the way a wife should treat her husband? A So far as I knew, yes sir.

Q What was his treatment toward her? A I don't know, only what I heard.

Q State what you heard about it? A I don't know as I could state just now exactly what I heard about it.

Q Did you ever hear that he abused her in any manner? A Yes, he abused her some.

Q Did he ever strike her? A No.

Q In what way did he abuse her? A In talking to her.

Q Use any abusive language? A I don't know any language he would use; he would get mad you know, and go on to her.

Applicant, IBA L. HAWKINS, being re-called and further examined testified as follows:

BY COMMISSION:

Q You want to ask the witness any questions, or want to make any further statement about the case? A No sir, that is all.

BY COMMISSION: The agent for the applicant and the representative of the Cherokee Nation present submit the case, and same is ordered closed and reported to the Commission for final decision based upon the evidence now of record. The agent for the applicant will be granted ten days in which to file a certified copy of the decree of divorce between the applicant and her husband George Hawkins.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Ida L. Hawkins as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on October 25, 1900 Ida L. Hawkins appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory on March 7, 1902.

The evidence shows that the said Ida L. Hawkins was lawfully married to George Hawkins, a citizen by blood of the Cherokee Nation, on August 12, 1894; that she lived with her said husband in the Cherokee Nation for three years after the marriage when he abandoned her. It further appears that the said Ida L. Hawkins procured a divorce from George Hawkins by a decree of the United States Court in Indian Territory, Northern District, on May 28, 1901. The said Ida L. Hawkins is identified on the Cherokee Census Roll of 1896.

The evidence further shows that the said Ida L. Hawkins has resided in the Cherokee Nation since her marriage to George Hawkins, and was a resident of said Nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Ida L. Hawkins should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,
this AUG 18 1902

George Washington Garrison, Editor,
The Liberator, Boston, Mass., 1841.

In the number of this week's edition of The Liberator, I met an address by Frederick Douglass, of the Massachusetts.

The L. Garrison being that day absent, and assisted by the Liberator, I met him on his return.

- Q Your name is Mr. L. Garrison? A Yes sir.
- Q How old are you? A 37 years.
- Q What is your present place of residence? A New Bedford, N.Y.
- Q Are you a native of New Bedford? A Yes sir.
- Q Are you claiming the right to be considered an an Abolitionist, and of the Abolition cause? A Yes sir.
- Q What is your husband's name? A George Garrison.
- Q Is he a Minister by himself? A Yes sir.
- Q How long has your husband, George Garrison, been living in the Abolition cause? A I don't know; all this while I suppose.
- Q When were you married to him? A In 1834.
- Q Was George Garrison your first husband? A Yes sir.
- Q And you his first wife? A Yes sir.
- Q Have you and your husband been living together ever since you were married? A No sir.
- Q When did you separate? A It has been five years I guess.
- Q How long did you live with him after you were married? A Ten years.
- Q What was the cause of this separation between you? A Well sir, I wouldn't tell you; he just went away; I didn't know anything of it at all until he was gone.
- Q He didn't tell you he was going? A No.
- Q Did you ever give him any cause to leave you? A No, he never talked any.
- Q You was always a faithful wife to him? A Yes sir.
- Q Did you ever try to get him to leave the cause with you? A No sir.
- Q Did you ever ask him at any time why he left? A No, I never did, but others have.
- Q You don't know anything about it except what others told you? A No, I have heard him say he didn't know what he went for; I have heard him say that, but I didn't ask him why.
- Q How much time has he been away from you? A I don't know; about 1/2 I think.
- Q Pretty near a whole year? A Yes.
- Q Where is he now? A In New Bedford.
- Q Is he living there? A Yes sir.
- Q Has he lived there ever since he left you? A No, I think not; I think he is there now.
- Q Is he married again? A Yes sir.
- Q Did you see her in Boston, or did he? A Well, I did, because he wouldn't get it.
- Q You said for the divorce, did you? A Yes sir.
- Q What now? A Nothing.
- Q Charged her with an offence, did you? A Yes sir.
- Q Did you get the divorce? A Yes sir.
- Q What? A Just a year ago he says I think.
- Q Has he married since that time? A Yes sir.
- Q Have you married since your divorce? A Yes sir.
- Q What is your present husband's name? A No sir.
- Q When did you marry him? A Three weeks ago.
- Q Was you give the date of the month? A The 20th of September, 1841.
- Q Was this in a white man, he is? A Yes sir.
- Q Has he been living in the Abolition cause ever since you married George Garrison? A Yes sir.

Source: I have upon all other that an obituary to the Liberator in the five Liberator's edition also currently recorded the wedding in the above published name, and the foregoing is an accurate transcript of the original graphic text thereof.

Submitted and sworn to before me this 10th day of 1841.

John W. Foster, Minister.

COMMISSION OF THE INTERIOR,
BUREAU OF THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ida L. Hawkins as a citizen by Intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on October 23, 1900, Ida L. Hawkins appeared before the Commission at Cherokee, Indian Territory, and made personal application for the enrollment of herself as a citizen by Intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 7, 1902, and on October 23, 1902.

The evidence shows that the said Ida L. Hawkins was lawfully married to George Hawkins, a citizen by blood of the Cherokee Nation, in August 22, 1892, that she lived with her said husband in the Cherokee Nation for three years after the marriage when he abandoned her. It further appears that the said Ida L. Hawkins procured a divorce from George Hawkins by a decree of the United States Court at Tulsa, Oklahoma, Northern District, on May 28, 1901. The said Ida L. Hawkins is identified on the Cherokee Census Roll of 1900.

The evidence further shows that the said Ida L. Hawkins has resided in the Cherokee Nation since her marriage to George Hawkins, and since her divorce from said George Hawkins she has not remarried as of and including September 1, 1902.

It is further shown that Ida L. Hawkins was married on September 22, 1902, to one Joe White, and will, therefore, be listed for enrollment under her present name, Joe L. White.

It is, therefore, the opinion of this Commission that Ida L. Hawkins should be enrolled as a citizen by Intermarriage of the Cherokee Nation, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 20, 1900, (31 Stat., 681), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Ida L. Hawkins
Petitioner.

J. E. Medley
Commissioner.

J. E. Green
Commissioner.

Done at Muskogee, Indian Territory,

NOTICE

HENRY L. BERRY
TAMM BERRY
THOMAS B. HERRICK
C. R. BUCKENBERRY

ALFRED L. AYERSON
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMUNICATED TO THE FIVE OFFICERS THERE

Miss Key and J.S.
Jan 27th 1901-

W. S. Maloney -
Blue jacket J.S.

Dear Sir:

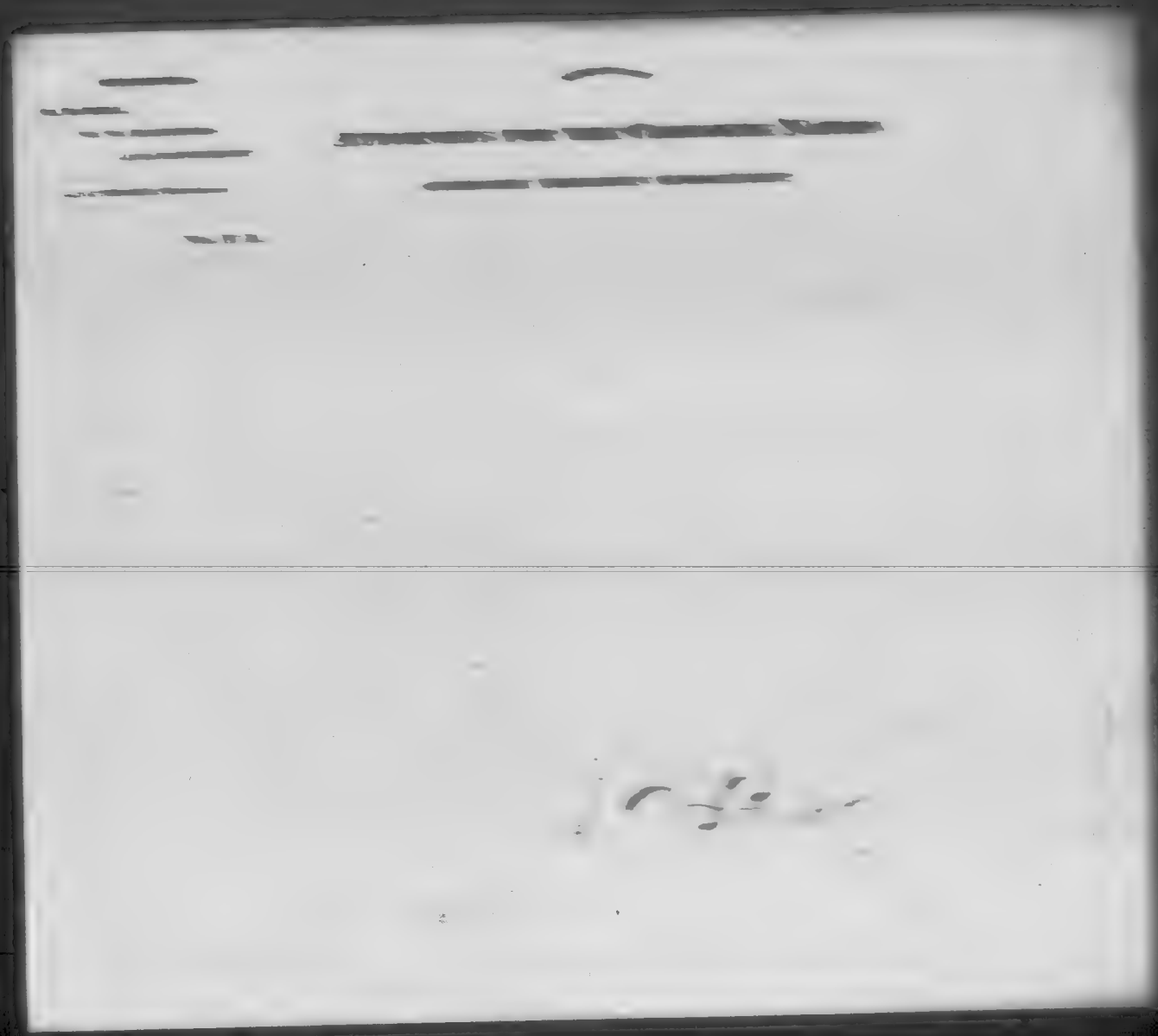
Ida L. Hawkins wife of George
Hawkins was placed on the doubtful
roll awaiting cause of her separation
from her husband. Write me fully
the cause & whether or not the
woman was at fault

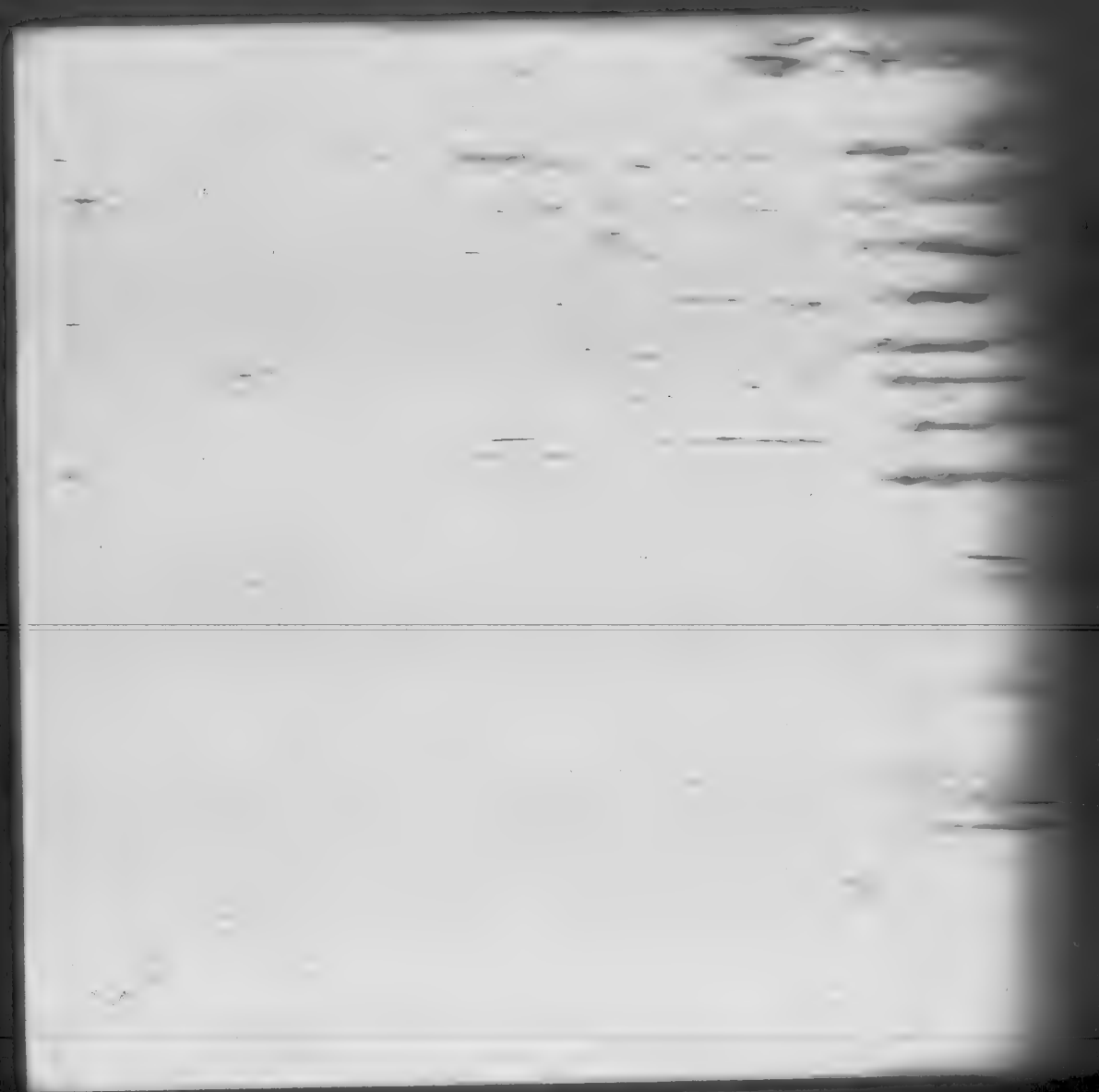
Yours very truly
W. W. Hastings &
J. B. Baugh
Attys for G.A.

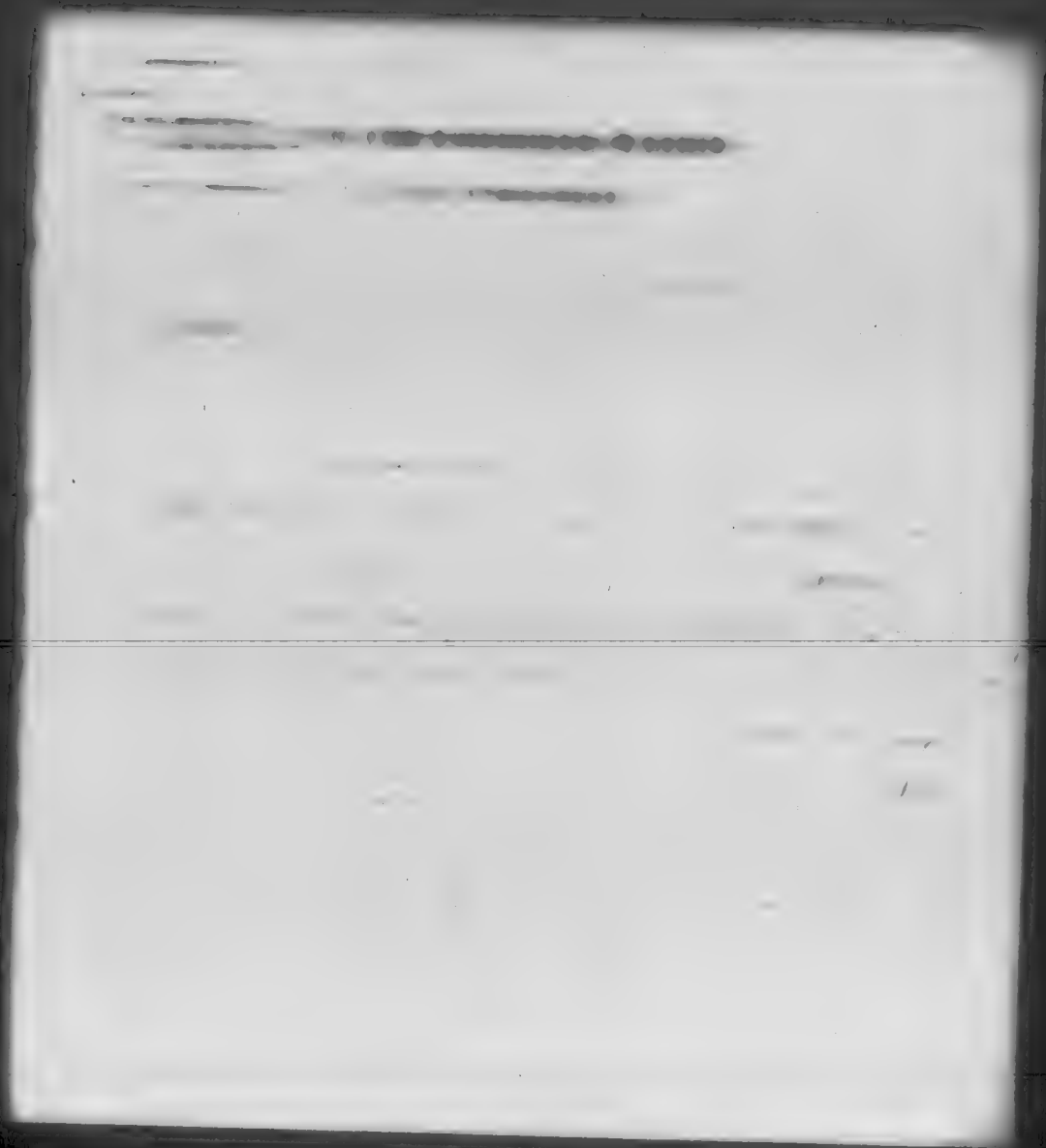
THE UNIVERSITY OF TEXAS AT AUSTIN



[illegible]







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Abstract

(continued)

My dear Mr. [illegible]

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[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

I am very much
to have you with me
and hope you will
be very much
pleased.

Love
to all
and
to
the
family.

Yours
affectionately
John

322

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 700.

Muskogee, Indian Territory, August 18, 1902.

V. V. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 18, 1902, granting the application of Ida L. Hawkins for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,



Acting Chairman.

Enc. C. No. 19.

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-700.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 15, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,


Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Ida L. Hawkins (now White) for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,



Acting Chairman.

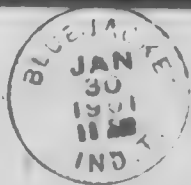
Enc. H-240.

Return in five days to

W. S. MALONEY,

General Merchandise, Lumber, Coal and Hay,

BLUEJACKET, IND. TERR.



*Mr. J. B. Boyd
Charlotte, N. C.
Wm. S. Maloney
Blue Jacket, Ind. Terr.*

DEPARTMENT OF JUSTICE.

Northern District of Indian Territory.

UNITED STATES COURT,
OFFICE OF CLERK, U. S. COURT,
MUSCOGEE, INDIAN TERRITORY.

OFFICIAL BUSINESS

Penalty for private use.



*C. C. Starr, Esq.
S. C. Ross
S. T.*

✓
Eda. L. Hawkins

A Original Testimony of $\frac{10}{25/00}$

B Memo. of Application of $\frac{10}{25/00}$

C Marriage Certificate

D Notice of Final Consideration, 3/7/02

E Receipt for Testimony

F Deed of Conveyance

G Supplemental to above and
Order closing testimony 3/7/02

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DOUBTFUL

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I. T. October, 25th 1900.

In the matter of the application of Robert L. Wayburn, for the enrollment of his aunt as a Cherokee citizen. He being sworn testified before the Commission as follows-

Q What is your name? A. Robert L. Wayburn.
Q How old are you? A. 33.
Q What is your post office address? A. Pryor Creek.
Q What district do you live in? A. Cooweescoowee.
Q Who is it you want enrolled now? A. Mrs. Sarah F. Gage.
Q This is an aunt of yours you say? A. Yes sir.
Q How old is she? A. 53.
Q What is her post office? A. Claremore.
Q Is Cooweescoowee her district? A. Yes sir.
Q Why does she not apply for herself? A. She is sick and cannot come; I have a certificate from the doctor that she cannot come.
Q Is she just temporarily ill or permanently ill? A. She has not been sick very long, she fell down cellar steps and hurt her back.
Q Is she living with you? A. No sir.
Q Is she white? A. Yes sir.
Q Is she a Cherokee by blood? A. No sir she is a white woman.
Q Through whom does she claim her right to enrollment? A. Her husband, George John Gage.
Q He was a Cherokee was he? A. Yes sir.
Q Is John Gage dead? A. Yes sir.
Q When did he die? A. In 1883 or 1884.
Q Is he on the roll of 1880? A. Yes sir.
Q Did he live here from 1880 until he died? A. Yes sir.
Q Was his wife married to him in 1880? A. Yes sir.
Q After the death of John Gage was your aunt ever re-married? A. No sir.
Q Has she continued to live in the Cherokee Nation since her husband's death? A. Yes sir.
Q Never lived any where else? A. No sir not that I know of, and she says she never has.

1880 roll, page 111, No. 1286, Sarah F. Gage, Cooweescoowee, Ad. White
1880 111 1285, John Gage " N. C.
1896 306 406 Sarah F. Gage, "

Q You have not been here yourself since 1880 have you? A. No sir.
Q Has she ever been living with any other man as his wife since her husband died? A. No sir.
Q Has she ever lived with a man named Henry Malone? A. He has been working there tending to her business, and is living on her farm now.
Q She stays there on the farm and this man Henry Malone lives there? A. Yes sir.
Q Has he any family? A. No sir.
Q How long has he been living that way? A. I don't know.
Q Who else lives there besides them? A. She has got a boy there and has a girl working for her.
Q Neither of them are her children are they? A. No sir.
Q Has she always had this boy and girl living there? A. No sir, she has had first one girl and then another.
Q How long has Malone lived there looking after her business? A. A. 8 or 10 years.
Q He occupies the same house that she does? A. Yes sir.
Q Is Henry Malone a white man? A. Yes sir.

The applicant applies for the enrollment of an aunt whom he states is sick and cannot apply for her self. She is identified with her Cherokee husband, then living, on the roll of 1880, she being a white woman. He is said to have died in 1883. She is identified on the

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Thos. von Zeiss being sworn stated that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause and that the foregoing is a full, true and correct transcript of his stenographic notes in said proceedings.

Chaenactis

Subscribed and sworn to before me this 26th of October, 1906.

W. H. Green
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE PACIFIC CIVILIZED TRIBES

REPORT
NOV 10 1900

ADJUTANT CHAIRMAN

1010

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I. T., November 27, 1900.

In the matter of the application of Sarah Frances Gage for the enrollment of herself as a Cherokee citizen; being sworn and examined by Commissioner Breckinridge she testified as follows:

- Q Give your full name? A Sarah Frances Gage.
Q How old are you? A 52
Q What is your post-office address? A Claremore.
Q You live in Cooweescoowee District do you? A Yes sir.
Q Do you apply for enrollment as a Cherokee by blood? A No sir, as adopted.
Q As an intermarried citizen? A Yes sir.
Q How often have you been married? A Twice, but to the same man; I was married in Texas to my husband and then I was married here also, under Cherokee law.
Q Never married to any other man? A No sir.
Q Was he ever married previous to his marriage to you? A No sir.
Q Your husband is dead? A Yes sir.
Q When did he die? A 16 years ago last October, last month.
Q What was your husband's full name? A John Jackson Gage.
Q Was he a Native of the Cherokee Nation? A Yes sir.
Q Did he live here all his life? A No sir; he lived in Texas part of his life; he lived here when he was quite a boy, and then they moved to Texas and he lived there until he was a grown man.
Q How old was he when he left Texas? A I can't tell you; we came to the Chickasaw Nation and from the Chickasaw Nation here, - it was after his marriage.
Q When did you come to the Cherokee Nation after leaving Texas? A I think it was in 1872.
Q Is his name on the 1880 rolls? A Yes sir, I think it is.
Q And yours is there with him? A Yes sir.
Q And now you came in 1872? A I think it was 1872.
Q Or thereabouts? A Yes sir, to the best of my recollection.
Q Do you know whether the Cherokee Council or Commission ever admitted or re-admitted him to Cherokee citizenship? A The Cherokee Council did.
Q And you and he lived together as husband and wife until he died? A Yes sir.
Q And you have lived in the Cherokee Nation ever since he died? A Yes sir.
Q You have never re-married since he died? A No sir.
Q Give me the name of his father. A David Gage.
Q He is dead, I suppose? A Yes sir.
Q And the name of his mother? A Lucy.
Q And she is dead? A Yes sir.
Q You have no children? A No sir.

Com'r Breckinridge:

This testimony will be supplementary to that taken in a former application for the enrollment of the applicant, card B 701. In the original application it was required that she appear before the Commission in person; because of her enormous weight and crippled condition this was found to be practically impossible, and this testimony was taken at her house, notice having been duly given to the Cherokee representative. The intimation of re-marriage is contradicted by this testimony, and apart from the strictly legal aspects of the case it appears entirely improbable that there can be any form of union between the applicant and the young man who lives at her house and attends to her farm and business.

M. D. Green, being first duly sworn, states that an stenographer to

Sarah Frances Page 2

the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

W. H. Bee

Subscribed and sworn to before me this November 10, 1900.

C. M. McNeill

Commissioner.

8873

Cherokee B -701.

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of Robert L. Wayburn for the enrollment of Sarah F. Gage as a Cherokee citizen.

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On the 25th day of October, 1900, Robert L. Wayburn appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of his aunt, Sarah F. Gage, as a citizen by intermarriage of the Cherokee Nation.

At the conclusion of the evidence offered at that time the name of Sarah F. Gage was placed upon a doubtful card awaiting personal testimony of the said Sarah F. Gage.

Further evidence in the case has been submitted to this Commission and the following decision is rendered:

D E C I S I O N .

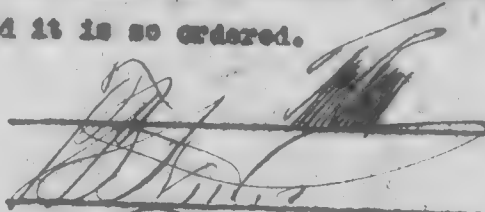
From all the evidence of record in this case it appears that Sarah F. Gage is the widow of John Gage, a Cherokee by blood; that her name appears upon the 1880 authenticated tribal roll of the Cherokee Nation and upon the 1896 census roll; that she has continuously resided in the Cherokee Nation since the preparation of said roll of 1880 and that she has not remarried since the death of her late husband. She is a white woman.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settle-

ment in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Under the facts and the law in this case it is considered that Sarah F. Gage is entitled to enrollment as a citizen by intermarriage of the Cherokee Nation, and it is so ordered.



J. A. McAdams
Commissioners.

Dated at Muskogee, Indian Territory,

MAY 27 1902

Before Me a Notary Public of the
Illinois Judicial Division of the
Indiana-Ter.

Mrs Sarah Bage

against

V. O. Crawford

} Affidavit.

W. H. Murphey, being duly sworn
deposes that I have known Mrs Sarah Bage for
the past seven years. On the fall
of year 1888 I was working for
Henry Malone. On the Cherokee
Nation near the Verdigris river on
Doct^r B. Z. Falkner's place, about 4 1/2
miles north of west of Claremore, I?
Mrs Sarah Bage was keeping house
for Mr H. Malone at the time. The first
night I was there I slept with Mr
Malone. The second night Mr Malone
was complaining with a sore finger
and went into Mrs Sarah Bage's room.
I saw Mrs Sarah Bage undress Mr
Henry Malone and wash or bathe
him, put on his under shirt
and drawers. They remaining in
that room all night. There was
but one bed in that room.
The next morning I saw Mr Henry
Malone lying in bed and

Sarah Gage sitting on the edge of
the bed in her night clothes. The
head looked as if two had occupied
it. Remained there one week
and Mr Henry Malone and
Mrs Sarah Gage occupied the
same room during the remainder
of the time. ~~weight~~ ~~weight~~
Steel

Subscribed and sworn to
before me, this 12th Day of June 1891

D C Blossum

Notary Public

W. Smith Ark fair 1901.

[illegible][illegible]

[illegible]

Cher D 701.

Letter to Teesey Chambers

in re

Sarah F. Gage.

Vinita I. T. August 26th 1901.

Mr. Teesey Chambers,

Claremore I. T.

Dear Sir:

Please advise us if possible the present post office address of one Lee Silk and William Murphy and Sidney Murphy. We are told that those people know something, that they could tell us with reference to the Sarah F. Gage and Henry ,alone matter.

If you know of any good witnesses in this case investigate it and let us know so that we can take the case up against her. We are told that one Lee Silk knows a great deal about this Gage case. We would be glad for you to make such investigations as you can and see what we can show in this case. If it is impossible to show that they were married then the next thing to show is that they lived together as man and wife and hold each other out to the community as such; or in other words we want to show a common law marriage if one exists.

We inclose stamped envelope for reply.

Yours very truly,

Attorneys for the Cherokee Nation.

Clarrmore & Y

Aug 30th 1904

Hastings & Bangs

Writs I have
made inquiring about
the witnesses

Bill Simpson is at
Olinville and said
I cannot find I saw
her till he did not
know any thing but
said the Galda's
wife knows all about
the case but you
will have to be careful
with her to make her
tell there is one other
I will find out her

name and let
you know

Yours Truly

J. Chambers

P.S. Please give
this letter to
J.C.S.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 27, 1908.

V. W. Hastings, Esq.,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes rendered May 27th, in the matter of the application of Sarah P. Gage for enrollment as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of said person as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Very respectfully,



Acting Chairman.

Encl. D-701.

Sarah F. Gage.

A Original testimony of '72.

B Memo. of application of '25.

C Supplementary testimony of '91.

See also the 1st and 2nd
to the 1st and 2nd

Cher D 702

Cher D 702

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHAMBERS, I.T., OCTOBER 26th, 1900.

IN THE MATTER OF THE APPLICATION OF Calistus Seegins for the enrollment of his wife and children as citizens of the Cherokee Nation, and the said Seegins appearing before the Commission, and being sworn by Commissioner, G. R. Breakinridge, testified as follows:

By the Commission:

Q What is your name; your full name? A Calistus Seegins.

Q How old are you? A Thirty nine.

Q What is your Postoffice? A Pryor Creek.

Q For whom do you apply? A My wife and six children.

Q What is your wife's name? A Lucy Jane Seegins.

Q How old is your wife? A She is thirty seven.

Q Is she a Cherokee by blood? A Yes sir.

Q What district does she reside in? A Coconarconnee.

Q How long has she resided there? A Ever since 1883.

Q How long has your wife lived in the Cherokee Nation?

A She has lived eighteen years.

Q Was your wife admitted to citizenship by the Cherokee Council?

A Her application is filed with R. L. Wayburn's.

Q Was your wife ever married previous to her marriage to you?

A No sir.

Q Were you ever married previous to the time you married her?

A No sir.

The applicant presents a certificate, signed by R. W. Alberty, Assistant Executive Secretary of the Cherokee Nation, showing that various persons were admitted to citizenship by what is known as the Chambers Court, on the 26th day of March, 1879; among which names appears the name of Lucy J. Wayburn.

Q Is the Lucy J. Wayburn named in this certificate your wife?

A Yes sir.

Q What is her father's name? A Rob Wayburn.

Q Is he living? A No sir.

Q What is your wife's mother's name? A Mary Ann.

Q Is she living? A No sir.

Q Was your wife's father a Cherokee or a white man?

A He was a white man.

Q Her mother was a Cherokee? A Yes sir.

Q What are the names of your children for whom you wish to apply; the oldest first? A Effie Seegins.

Q How old is this child? A Sixteen.

Q What is the name of the next one? A Omer.

Q Has he any middle name? A It is a girl; no sir, no middle name.

Q What is the name of the next one? A Lola.

Q How old is she? A Ten.

Q What is the name of the next child? A Jennie R.

Q How old is this child? A Eight.

Q What is the age and name of the next one? A One.

Q How old? A Five.

Q What is the name of the next one? A Willie; a girl; no middle name.

Q How old is Willie? A Eighteen months old.

Q Have you any more children? A That is all.

Q Are these children all living and living with you? A Yes sir.

(1896 Roll, Page 262, #4609,	Lucy J. Seegins,	Co. District)
(1896 Roll, Page 262, #4611,	Effie Seegins,	" "
(1896 Roll, Page 262, #4612,	Omer Seegins,	" "
(1896 Roll, Page 262, #4613,	Lola Seegins,	" "
(1896 Roll, Page 262, #4614,	Jennie R. Seegins,	" "
(1896 Roll, Page 262, #4615,	Willie Seegins,	" "

Q Do I understand you to say that you do not make application for yourself? I was not married according to Cherokee law; I was mar-

ried in Tenn.

By Mr. Gale Starr, Cherokee Representative:

Q When did your wife remove to and permanently locate in the Cherokee Nation? A In 1893.

Q Where did she live previous to that time? A In Tenn.

Q Where were you married? A In Montague County, Tenn.

Q How many of these children were born in Tenn? A None of them.

Q All born here? A Yes sir.

Q Did you say your wife removed to and located in the Cherokee Nation in 1893? A We were married in 1881, and came here in 1883; and have been here ever since.

By the Commission:

Q Then the statement that you made that you moved here in 1893 was incorrect? A We was married in 1881, and came here in 1883, and have been here ever since.

Q Then you were mistaken in saying you came in 1893? A Yes sir.

By Mr. Gale Starr, Cherokee Representative:

Q You have had no other home except the Cherokee Nation since 1883? A No sir.

By the Commission:

The applicant applies for the enrollment of his wife and six children. He presents a certificate, showing that his wife was admitted to citizenship in the Cherokee Nation, in the year 1879; He did not remove to the Cherokee Nation until 1883, or four years after the date of the Act admitting his wife to citizenship in the Cherokee Nation. His wife, Lucy Jane Scoggins is identified on the roll of 1896, as a native Cherokee; and his five older children are also identified on the roll of 1896, as native Cherokees. For the further consideration of the Commission, the applicant's wife, Lucy Jane Scoggins and her five older children will be duly listed for enrollment upon a Doubtful card, as Cherokees by blood, and when the Commission is supplied with a properly executed affidavit as to the birth of his child, Willie Scoggins, she also will be listed upon a doubtful card as a Cherokee citizen by blood.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

A. A. Cramer

Subscribed and sworn to before
me this 25th day of October, 1900.

M. J. Jones

NOTARY PUBLIC.

R

C. D-708

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 7, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Lucy J. Scroggins for the enrollment of herself and children as
Cherokee citizens.

Appearances:

Joe M. Lahay, Claremore, I.T., attorney for applicant;
W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant's husband, Columbus Scroggins, was notified by registered letter February 17th, 1902 that the application for the enrollment of himself wife and children as citizens of the Cherokee Nation would be taken up by the Commission for final consideration at its offices in Muskogee, Indian Territory on the 7th day of March, 1902. Receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: March 7, 1902, appears by her attorney, Joe M. Lahay.

It is directed that a copy of the certificate filed in the matter of the application of Robert L. Waybourne for the enrollment of himself wife and children, D-698, showing the admission of said Robert L. Waybourne to citizenship in the Cherokee Nation on the 26th day of March, 1879, be filed with and made part of the record in this case.

The attorney for the applicant requests and will be granted 20 days in which to file brief in the case, one copy with the Commission and one copy with the representative of the Cherokee Nation.

The attorney for the applicant and the representative of the Cherokee Nation present submit the case; same is ordered closed and reported to the Commission for final decision, based upon the evidence now of record.

I, E.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

E.D. Green

To be filed with, - D. #786.

Executive Office Cherokee Nation,

Tahlequah, I. T.

I, B. W. Alberty, Assistant Executive Secretary of the Cherokee Nation do hereby certify that the following named persons: W.L.Wayburn, M.M.Wayburn, J.F.Wayburn, Lucy J. Wayburn, L. W. Wayburn, R.L.Wayburn, Betsey Ann Wayburn, Martha A. Wayburn, and Mary Alice Wayburn shown on the Citizenship records of what is known as the "Chambers Court" of the Cherokee Nation, to have been admitted to Cherokee citizenship on the 26th day of March, 1879; that said record is filed in this office and is in my custody.

Given under my hand and the seal of the Cherokee Nation this the 23rd day of October, 1900.

(signed) B. W. Alberty,

Assistant Executive secretary,

Cherokee Nation.

B
✓
y
P
I, A. R. Cheever, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy and that the same is a true and complete copy of the original manuscript.

A. R. Cheever

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Columbus Scoggins for the enrollment of his wife, Lucy J. Scoggins, and his six minor children, Effie, Omer, Lola, Jesse E., Una and Willie Scoggins, as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on October 25, 1900, Columbus Scoggins appeared before the Commission at Claremore, Indian Territory, and then and there made personal application for the enrollment of his wife, Lucy J. Scoggins, and his six minor children, Effie, Omer, Lola, Jesse E., Una and Willie Scoggins, as citizens by blood of the Cherokee Nation. Further proceedings were had on March 7, 1902 at Muskogee, Indian Territory.

It appears from the evidence in support of this application that Lucy J. Scoggins was admitted to citizenship in the Cherokee Nation on March 26, 1879 under the name of Lucy J. Weyburn, and that she has resided in the Cherokee Nation ever since 1883. It further appears that Lucy J. Scoggins and her five minor children, Effie Omer, Lola, Jesse E. and Una Scoggins, are identified on the 1896 Census Roll of the Cherokee Nation. The minor child, Willie Scoggins is identified by a birth affidavit on file with this Commission.

The authority of the Commission herein is defined in Par. 1, Sec. 21, of the Act of Congress, June 23, 1898 (30 Stats., 495).

It is therefore the opinion of this Commission that Lucy J. Scoggins, Effie Scoggins, Omer Scoggins, Lola Scoggins, Jesse E. Scoggins, Una Scoggins and Willie Scoggins are lawfully entitled to be enrolled as members by blood of the Cherokee Tribe of Indians in Indian Territory, and that the application for their enrollment as

Cherokee-B-702

such should be granted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

this

SEP 20 1902

COMMISSIONERS
HENRY L. DAWES,
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AVIERSWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 702.

AT THE OFFICE OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 29, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

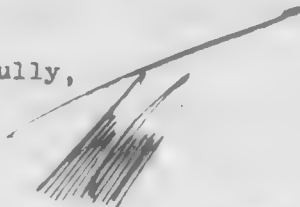
Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Columbus Scoggins for the enrollment of his wife, Lucy J. Scoggins, and his six minor children, Effie, Omer, Lola, Jesse E., Una and Willie Scoggins, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. C. No. 48.

Lucy J. Singgins.

A Original testimony of 1st 25/00
I Made of Application of 1st 25/00

Office of birth Will. Singgins

1. Birth certificate Emma Sandrum.

2. Birth certificate - Viola Sandrum.

3. Birth certificate Frank Allen.

Notice of final consideration, 3/7/02

Receipt for testimony.

certified copy of marriage
license & cert.

See Phoenix packet N 677

Supplemental proceedings and
order closing testimony 3/7/02

Transferred to 9786

Cher D 703

Cher D 703

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I. T. October, 25th 1900.

In the matter of the application of George W. Green for the enrollment of himself, wife and children as Cherokee Citizens, he being sworn testified before the Commission as follows:

- Q What is your name? A. George W. Green.
Q How old are you? 54.
Q What is your post office? A. Kelec, I. T.
Q Is Coconawawee your district? A. Yes sir.
Q Do you apply for the enrollment of yourself and family? A. Yes sir.
Q Have you a wife? A. Yes sir, had one but who is dead.
Q How many children? A. Have ~~one~~ only that I want enrolled.
Q Are you a Cherokee by blood? A. No sir.
Q By intermarriage? A. Yes sir.
Q When were you married? A. In 1875.
Q To whom were you married? A. Jennie Blythe.
Q Is she dead? A. Yes sir.
Q When did she die? A. In 1878.
Q Was she a Cherokee? A. Yes sir.
Q Have you re-married since her death? A. Yes sir.
Q To whom? A. Victoria Seymore.
Q Is she a Cherokee? A. Yes sir.
Q Is she dead? A. Yes sir.
Q When did she die? A. In 1886.
Q Have you re-married since her death. A No sir.
Q Were you married to your wife Victoria in 1880? A. Yes sir.
Q Give me the name of your child. A. Evelyn V.
Q How old is this child? A. 15 next month.
Q She is living now is she? A. Yes sir.
Q Have you been admitted by the Cherokee Commission? A. No sir.
Q Have you lived in the Cherokee Nation ever since your marriage in 1875? A. No I have been out occasionally; was out in '78, '79, and part of '80.
Q You are not on the roll of 1880; when you came back did you apply to the Cherokee Commission for re-admission? A. My wife did.
Q Your wife Victoria? A. Yes sir.
Q When was it you married her? A. 1877.
Q Was she admitted? A. Yes sir.
Q Have you a certificate of her admission? A. Yes sir.

The applicant presents an official copy of a decree in Case #21 before the Cherokee Commission on citizenship showing that on the 28th of January 1882, Victoria Seymore Green was admitted to citizenship by the Cherokee Commission. This is regarded as official evidence of her admission at the time stated and it is returned to the applicant.

- Q How you were married previous to her admission, where were you married? A. In St. Louis.
Q You had been out of the Cherokee Nation for some years then? A No I had not been at that time.
Q But you staid out for some years after that and are not on the roll of 1880. A. Yes sir.
Q Have you any evidence of having been married to your first wife Jennie Blythe? The Applicant presents certificate showing that he was married at Vinita, I. T. on the 23rd of November 1875 to Jennie Blythe by the Rev. Hamilton Salentine. This is an illuminated certificate and is returned to the applicant.
Q That is simply a certificate, have you no license? A. No sir.
Q Did you take out a Cherokee license to marry that wife? A. Yes sir.

George W. Green. H.

Q What did you do with 1st A. I don't know.
Q Can you supply an official copy of last license? A. I think so, I think I can get it from the books at Tallapoosa.
Q Was it in 1873? A. Yes sir.
Q And then you went out of the Cherokee Nation soon after that? A. In 1877.
Q When did you come back? A. In 1878.
Q How long did you stay? A. 5 or 6 months.
Q In the mean while you had re-married? A. Yes No response.
Q Where did you go? A. To Ash Grove, Missouri.
Q Did you go into business there? A. Yes sir.
Q Did you take your effects with you? A. Yes sir except some buildings at Vinita.
Q You were not here in 1880? A. No sir.
Q Were you ever re-married to your last wife under the Cherokee laws? A. No sir.
Q Have you lived in the Cherokee Nation with your last wife ever since she was admitted in 1882? A. Yes sir up to the time of her death.
Q When did she die? A. In 1884.
Q Have you continued to live in the Cherokee Nation since 1884? A. Yes sir.
Q Not been out of the Territory to live in any way since then have you? A. No sir.
Q Your last wife is the mother of the child for whom you apply is she? A. Yes sir.

1886 roll, page 573, No 307, George W. Green, Delaware Dist. Adm. White
1886 473 1236, Evelyn Victoria Green

The applicant applies for the enrollment of himself and one child. The child's mother is shown to have been admitted to citizenship by the Cherokee Commission in 1882; she lived in the Cherokee Nation from the time of her admission until her death. The child is identified on the roll of 1886, is living now and will be listed for enrollment as a Cherokee by blood. The applicant presents a certificate but not a license, showing that he was married to his first wife in 1873. There is no present means of determining whether she was a Cherokee woman, and if she was, the applicant does not present a Cherokee license. He is desired to procure an official copy of the license that he procured at that time and to supply the Commission with that evidence. After the admission of that wife, which was some two years after their marriage, he went out of the Cherokee Nation, as shown by the testimony, and resided for some time. While out of the Cherokee Nation he re-married. He came back to the Cherokee Nation after the roll of 1880 was made. He is not upon that roll. In 1882 his second wife was admitted to citizenship by the Cherokee Commission, but applicant did not marry her again under the Cherokee laws. He states that he has lived in the Cherokee Nation ever since his return shortly after the roll of 1880 was made, but it is not established that he acquired a right to citizenship by his first marriage and it is not shown that if he did acquire that right he lost it by moving out of the Cherokee Nation, and if he lost it he did not regain it by his second marriage. He is identified on the roll of 1886 and he will be entered at present on a white card as an inter-married Cherokee for further consideration of the facts and the final decision of the Commission will be made known to him at his post office address.

Q What was the name of your first wife mother? A. Jessica Blythe.
1886 roll, page 64, No. 438, Jessica Blythe, Coconino Co., A. C.

This additional testimony establishes the fact that his first wife's mother is on the roll of 1880, and there appears no question of his first wife being a Cherokee citizen.

~~~~~

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized tribes he reported in full all the proceedings in the above entitled cause and that the foregoing is a full, true and correct transcript of his stenographic notes in said proceedings.

*Chas von Weise*

Subscribed and sworn to before me this the 26th of October, 1900.

*MD Green*  
Notary Public.



Cherokee D-703.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., October 8, 1902.

In the matter of the application of George W. Green for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

- Q What is your name? A George W. Green.  
Q How old are you? A Fifty-six.  
Q What is your postoffice? A Kelso, Indian Territory.  
Q You are a white man are you? A Yes sir.  
Q Are you the same George W. Green who made application to this Commission in October, 1900, to be enrolled as an intermarried citizen? A Yes sir.  
Q What is the name of the wife through whom you claim your citizenship? A Both of my wives were Cherokees.  
Q Who are you claiming through, your first or second? A I claim I have never forfeited my right.  
Q Then you claim through your first wife then? A I suppose so, that is the way.  
Q What is the name of your first wife? A Jennie L. Blythe.  
Q When did you marry her? A In 1873.  
Q Was she a Cherokee by blood? A Yes sir.  
Q How long did you live with her? A I lived with her about thirteen months.  
Q Did she die? A Yes sir.  
Q Lived with her in the Cherokee Nation? A Yes sir.  
Q Who did you next marry? A Victoria Saymore.  
Q Was she a Cherokee by blood? A Yes sir.  
Q When did you marry her? A In 1877.  
Q How long did you live with her? A Nine years.  
Q Is she dead? A Yes sir.  
Q You lived with her all the time from the time you married her up until her death? A Yes sir.  
Q You also lived with your first wife from the time you married her until her death? A Yes sir.  
Q Did you marry your first wife under a Cherokee marriage license? A Yes sir.  
Q But not your second wife? A No sir.  
Q You filed your license and certificate with this Commission have you? A Yes sir.  
Q You are not on the roll of 1880 are you? A No sir.  
Q How long have you lived in the Cherokee Nation altogether? A Since 1872.  
Q Since your marriage to your first wife? A Yes sir.  
Q You never have made your home outside of the Cherokee Nation? A Not permanently, I was out on account of my second wife's health, a couple of times.  
Q But since the death of your second wife you never have been out of the Cherokee Nation? A No sir.  
Q You never have married since the death of your second wife? A No sir.  
Q You are still a widower? A Yes sir.  
Q Have you any children? A Yes sir.  
Q They have been enrolled have they? A Yes sir.  
Q Any of them died since you enrolled them? A No sir.



2-George W. Greene

Q. O. Starr: Where were you married to your first wife? A In Vinita,  
by James H. Maxlin.

Q Was he Clerk of Delaware District at that time? A Yes sir.

---

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

*B. G. Forheuberg*

Subscribed and sworn to before me this 5th day of November, 1902.

*B. Jones*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., January 10, 1907.

In the matter of the application for the enrollment of George W. Green as a citizen by intermarriage of the Cherokee Nation.

George W. Green being first duly sworn by Frances R. Lane, a Notary Public for the Western District, Indian Territory, testified as follows:

Applicant represented by George E. Mc. Culloch,  
Attorney at Law, Vinita, Indian Territory.

By the Commissioner:

Q What is your name? A George W. Green.

Q What is your age? A Sixty-one.

Q What is your postoffice address? A Wagoner, I. T.

Q You claim to be a citizen by intermarriage of the Cherokee Nation? A Yes sir.

Q Through whom do you claim such citizenship? A Lovely J Blythe.

W Was Lovely J. Blythe a citizen of the Cherokee nation?

A Yes sir.

Q When were you married to Lovely J. Blythe? A On the 23rd of November, 1873 I think it is.

W Was that marriage under a license of the Cherokee nation

A Yes sir.

Q Have you a certified copy of the license with you? A Yes.

Applicant presents certificate executed by A. E. Cunningham, Assistant Executive Secretary of the Cherokee Nation, dated March 3, 1902, showing that George W. Green was licensed to marry Lovely J. Blythe, a citizen of the Cherokee Nation on November 22, 1873, and that the license was executed and returned December 1, 1873. Said certificate further shows that said license was filed for record in Delaware District, Cherokee Nation, in Book marked 8.

Said certificate is attached hereto and made a part of the record in this case.

Q Is your wife, who was formerly Lovely J. Blythe, living at this time? A No sir.

Q When did she die? A January 5, 1875.

Q Had you ever been married prior to the time of your marriage to Lovely J. Blythe? A No sir.

Q Had Lovely J. Blythe ever been married prior to the time she was married to you? A No sir.

Q Have you married since the death of your wife Lovely J. Blythe, A Yes sir.

Q What is the name of your second wife? A Victoria Seymour.

Q Is Victoria Seymour a citizen of the Cherokee Nation?

A Yes sir.

Q When were you married to her? A On the 2nd of October, 1877.

Q Where were you married to her? A St. Louis, Missouri.

Q That was under a license of the state of Missouri?

A Yes--I don't believe we got any license at that time. They didn't require a license.

Q Have you a certificate of that marriage? A Yes sir.

Q. Have you a certificate of that marriage? A Yes sir.  
 Applicant presents a certificate signed by O. H. Stewart, Pastor of Trinity Church, St. Louis, Missouri, dated October 2, 1877, showing that George W. Green and Victoria Seymour were married by him in St. Louis on said date.  
 Said certificate of marriage is attached hereto and made a part of this record.

Q Did you return to the Cherokee Nation immediately after your marriage to Victoria Seymour? A I came in about three months I think it was. Married in October and came back here in January. I remember the year is 1878.

Q Upon your return to the Cherokee nation were you and Victoria Seymour remarried in accordance with the Cherokee laws? A No, we didn't consider that it was necessary as I was a citizen, and she was too.

Q You was a citizen by internarriage? A Yes, and she was a citizen by blood. A cousin of my first wife.

Q After the death of your first wife did you live continuously in the Cherokee Nation up until the time of your marriage to your second wife? A Yes sir.

Q When did you leave the Cherokee Nation. A I was away part of 1898 until the spring of 1880, about 2 years.

Q Is your wife who was formerly Victoria Seymour, living now? A No sir.

Q When did she die? A September 2, 1886.

Q Have you married since that time? A No sir.

Q Have you resided in the Cherokee nation continuously since 1880? A Yes sir.

Q Both your first wife, Lovely J. Flythe and your second wife, Victoria Seymour, were recognized by the authorities of the Cherokee Nation? A Yes sir. And I have two children that are on the roll.

Q Were Lovely J. Blair and Victoria Seymour related?

Q Yes, their mothers were sisters.

Q That made them cousins? A Yes sir.

-----  
 Examination by Mr. McCollough:

Q At the time you were married to Lovely J. Blair, did you receive your certificate of marriage from the minister that married you? A Yes sir.

Q Look at this instrument I have shown you and see what that is? A That is a certificate.

Q That the said Jennie Blythe--that is the name she was commonly known as? A Yes sir.

Q Were she and Mr. Ballentine, the man who performed the marriage ceremony, very well acquainted with each other?

A Yes sir.

Q In this marriage certificate appears as ~~X~~ George W. Green

A Yes sir.

Q Are you, George W. Green, and the G. W. Green mentioned in this certificate one and the same person? A Yes sir.

There is offered in evidence the marriage certificate of G. W. Green and Jennie Blythe, which is signed by Hamilton Ballenger, officiating clergyman, showing that George W. ~~XXXX~~ Green and Jennie Blythe were married according to the laws of the Cherokee Nation at Vinita, Indian Territory, November 23, 1873. Said certificate is attached hereto and made a part of this record.

By Mr. McCulloch:

By Mr. McCulloch:

Q You were married to Victoria Reynolds in St. Louis, Mo.?

A Yes sir.

Q That was in 1877? A Yes sir.

Q At that time was your residence and home here in the Cherokee nation? A Yes sir.

Q And you stated that you were out of the Cherokee Nation about a year or two? A Yes sir.

Q Did you still have property interests in the Cherokee Nation? A Yes, I owned town lots in the Cherokee nation.

Q You never left the Cherokee Nation with the intention of abandoning it? A No sir.

Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she reports the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

*Frances R. Lane*

Subscribed and sworn to before me this January 11, 1907.

*Edward L. Harrison*  
Notary Public

P.R.

Cherokee D-703.

COPY

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George W. Green as a citizen by intermarriage of the Cherokee Nation.

DECISION

THE RECORDS OF THIS OFFICE SHOW: That at Claremore, Indian Territory, October 26, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of George W. Green as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 7, 1902, October 8, 1902 and January 10, 1907.

In the files of this case has been found what purports to be a decision undated and signed by but two of the members of the Commission to the Five Civilized Tribes. This decision has never been entered upon any of the records of the Commission or of the Commissioner. No notices have ever been sent either to the applicant or to the Cherokee Nation, and in all respects it seems to have been treated apparently as a decision which was prepared but never completed. It is presumed that said decision was prepared at about the time in March, 1903 when this office was advised by the Department to suspend all further action in the cases of intermarried whites pending the determination of their rights in the Court of Claims, to which they had been transferred.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, George W. Green, a white man, was married on November 23, 1873, according to Cherokee law, to one Lovely J. Blythe, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, and with whom the applicant resided in the Cherokee Nation until the death of said Lovely J. Blythe on January 5, 1875.

On October 2, 1877, the said applicant, George W. Green, was married, in the State of Missouri, to one Victoria Seymour, an alleged Cherokee by blood. It further appears that at the time of his marriage to the said Victoria Seymour the latter was not a recognized citizen of the Cherokee Nation, and did not become such a citizen until her readmission to citizenship on



January 28, 1893.

Section 606, Compiled Laws of the Cherokee Nation (1892), provides in part as follows:

"Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, be left a widow or widower, by the decease of the Cherokee husband or wife, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman or person (as the case may be), having no rights of Cherokee citizenship by blood; in that case all of his or her rights acquired under the provisions of this Act shall cease."

In view of the foregoing provisions of Cherokee law, it is considered that the applicant, George W. Green, forfeited whatever rights he may have acquired by his marriage to his Cherokee wife, Lovely J. Blythe, by his subsequent marriage to Victoria Seymour Green, who was not at the time of said marriage a recognized citizen of the Cherokee Nation of Cherokee blood, and that the subsequent admission of his wife to citizenship in the Cherokee Nation did not operate to reinvest the applicant with the rights of an intermarried citizen which he had already forfeited.

IT IS, THEREFORE, ORDERED AND ADJUDGED: that the purported decision undated and uncompleted, which has already been referred to herein, be, and the same is, hereby cancelled, and that in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird et al. vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, George W. Green, is not entitled, under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stat. 496), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly denied.

SIGNED *Tams Brady*.

COMMISSIONER.

Dated at Muskogee, Indian Territory,  
this FEB 28 1907.

REFER IN REPLY TO THE FOLLOWING:

Cherokee  
D 703

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 28, 1907

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commissioner to the Five Civilized Tribes dated February 28, 1907, denying the application for the enrollment of George W. Green as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has been this day forwarded to the Secretary of the Interior for review. You will be advised of the Action of the Secretary when this office is informed of the same.

Respectfully,

Encl. B-93

L M B

  
Commissioner



D.C.13264

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.P.  
W.H.W.

IRS

I. T. D.  
8008, 8010, 8016, 8024,  
all 1907.

March 4, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases, adverse to the applicants, are hereby affirmed. Copies of Indian Office letters, submitting your reports and recommending that the decisions be affirmed, are enclosed:

| Title of Case.                      | Date of your letter of transmittal. |
|-------------------------------------|-------------------------------------|
| Ora A. Smith (by blood),            | February 28, 1907.                  |
| Fannie Ince, et al. (freedmen),     | February 28, 1907.                  |
| Margaret Downing (freedman),        | February 28, 1907.                  |
| Henry Harris, et al. (freedmen),    | February 28, 1907.                  |
| Sarah E. Davis (by intermarriage),  | February 26, 1907.                  |
| Alexander Ward, et al. (freedmen),  | February 28, 1907.                  |
| Lizzie Fields (freedman),           | February 7, 1907.                   |
| George W. Green (by intermarriage), | February 28, 1907.                  |

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,  
(Signed) E. A. Hitchcock,

4 enclosures, and  
16 enclosures to Ind. A. f.,  
with copy hereof.

Secretary.

Land. COPY  
21,950-1907.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

March 4, 1907.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed record of the Commissioner to the Five Civilized Tribes in the matter of the application for enrollment of George W. Green as a citizen by intermarriage of the Cherokee Nation.

The name of the applicant does not appear on the authenticated tribal roll of the Cherokee Nation for 1880 and the record in his case does not show that he is entitled to enrollment under the present laws and holdings of the Department, and it is therefore recommended that the adverse decision of the Commissioner be approved.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

(F.B.M.)P.

REFER IN REPLY TO THE FOLLOWING:

Cherokee D-703

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 18, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of George W. Green as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. H-13  
JMH

Commissioner.

George A. Green

A Original testimony of 10/23/00  
B Memo of application of 10/23/00  
C Certified copy of marriage license  
D Notice of final consideration, 3/7/02  
E Supplemental testimony and order  
Closing testimony, 3/7/02

COPY OF THIS CASE FILED  
WITH THE CHEROKEE NATION.

OCT 26 1907

See Cherokee Jacket #4909

Cher D 704

Cher D 704

as to wife, Sallie Cox and children

as to applicant.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Oklahoma, I. T. October 25th 1900.

In the matter of the application of Charles M. Cox for the enrollment of himself, wife and children as Cherokee citizens. He being sworn testified before the Commission as follows:-

- Q What is your name? A. Charles M. Cox.  
Q How old are you? 45.  
Q What is your post office? A. Colagah.  
Q Is ~~geoweescoowee~~ your district? A. Yes sir.  
Q Do you want to enroll yourself and family? A. Yes sir.  
Q Have you a wife? A. Yes sir.  
Q How many children have you? A. 3.  
Q Are you a Cherokee by blood? A. No by adoption.  
Q Your wife is a Cherokee is she? A. Yes sir.  
Q Let me see your marriage license and certificate. A. The applicant presents an official copy of the record of ~~geoweescoowee~~ District showing that on the 25th of December, 1899 he was married in accordance with the Cherokee laws by the Rev. Andrew D. Jacky to Miss Sallie Musgrove. This is filed herewith.  
Q Have you lived with your wife in the Cherokee Nation ever since you married her in 1899? A. Yes sir.  
Q Were you ever married except to this wife? A. Yes sir.  
Q Was your first wife dead when you married this wife? A. No sir, but I had a divorce.  
Q Have you a copy of the divorce from your first wife? A. I have it in my safe at Colagah.  
Q Never been married but twice? A. That is all.  
Q Your wife's present name is Sallie Cox? A. Yes sir.  
Q How old is she? A. She was born in 1871, January 29th.  
Q How long has she lived in the Cherokee Nation? A. All her life.  
Q Give me the name of her father. A. Frank Musgrove.  
Q Is he dead? A. Yes sir.  
Q Give me the name of her mother? A. ~~Sallie~~ Clara.  
Q Is she dead? A. No sir.  
Q Give me the names of your children. A. Frank M.  
Q How old is he? A. Born October, 13th 1899.  
Q That makes him about 18? A. Yes sir.  
Q Next one? A. James B.  
Q How old is he? A. Born January 7th 1900.  
Q That makes him about 4. ? A. Yes sir.  
Q Next one? A. Sora I.  
Q How old is Sora? A. Born January 10th 1900.  
Q Are these children all living now? A. Yes sir.  
Q Was your wife ever married except to you? A. No sir.

1900 roll, page 144, No. 8004, Sallie Musgrove, ~~geoweescoowee~~, H.C.  
1896 300 256 Charles Cox, "  
1896 136 1134 Sallie Cox "  
1896 136 1135 Frank Cox "  
1896 136 1136 James Cox "

The applicant applies for the enrollment of himself, wife and three children. His wife is identified on the roll of 1890 and 1896 as a native Cherokee. She has lived in the Cherokee Nation all her life and will be listed for enrollment as a Cherokee by blood. The first two children are identified with their parents on the roll of 1900, are now living and will be listed for enrollment as Cherokees by blood. When applicant supplies the Commission with a certificate of birth as to the youngest child Sora I., this child also will be listed for enrollment as a Cherokee by blood.

Charles M. Cox      N.

The applicant is shown to have married his wife according to the Cherokee laws in 1889, and to have lived in the Cherokee Nation and with her ever since. He is identified with her on the roll of 1896. He states that his wife was never married except to him and that he was married only once previously, and that he had a divorce from his first wife before he contracted this second marriage. To await the production of and the decree for divorce the applicant will at present be placed on a doubtful card as a Cherokee by inter-marriage.

~~~~~

Chas. van Halse being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause and that the foregoing is a full, true and correct transcript of his stenographic notes in said proceedings.

Chas. van Halse
Subscribed and sworn to before me this the 26th of October, 1900.

M. D. Green
Notary Public.

883
Cherokee B-704.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 22, 1902.

In the matter of the application of Charles M. Cox for enrollment as a Cherokee citizen.

Supplemental Statement.

On the 25th day of October, 1900, there was filed with the Commission to the Five Civilized Tribes a duly certified copy of a decree of divorce, duly certified to by J. N. Tillman, Clerk of the Circuit Court of Washington County, Arkansas, dated November 17, 1898, from which it appears that Charles M. Cox was, by the Circuit Court of Washington County, Arkansas, at the November term thereof, 1898, divorced from Lizzie W. Cox.

It is ordered that copies of this statement be filed with the testimony in this case.


Commissioner.

8813

Cherokee B-704.

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of Charles M. Cox for enrollment as a Cherokee citizen by intermarriage.

—O—

On the 28th day of October, 1900, Charles M. Cox appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself as a Cherokee citizen by intermarriage, and for the enrollment of his wife and children as Cherokee citizens by blood.

At the conclusion of the evidence offered at that time the wife and children of applicant were listed for enrollment upon a regular card and the name of Charles M. Cox was placed upon a doubtful card, awaiting evidence of divorce from a former wife.

Further evidence in the case has been submitted to this Commission and the following decision is rendered:

D E C I S I O N .

From all the evidence of record in this case it appears that Charles M. Cox was duly married by authority of a Cherokee marriage license to Sallie Musgrove on the 26th day of December, 1889. The name of Sallie Musgrove appears upon the 1880 authenticated tribal roll of the Cherokee Nation and upon the 1896 census roll. The applicant is duly identified upon the 1896 census roll.

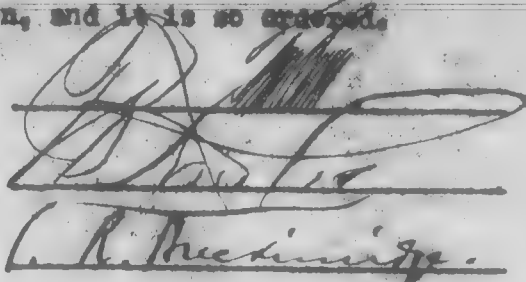
It appears that he had been previously married, but had been divorced from his first wife prior to his marriage to his present wife. It further appears that his wife, Sallie, has resided in the Cherokee Nation all her life and that the applicant, Charles M. Cox, has resided continuously in the Cherokee Nation since his marriage to her.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 25, 1896 (30 Stat., 495):

-2-

That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Under the facts and the law in this case it is considered that Charles M. Cox is entitled to enrollment as a citizen by intermarriage of the Cherokee Nation, and it is so ordered.



Commissioners.

Dated at Muskogee, Indian Territory,

MAY 20 1902

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDELL.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

D - 704.

Muskogee, Indian Territory, May 31, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

Enclosed herewith, please find a copy of the decision of the Commission rendered May 20, 1902, in the matter of the application of Charles M. Cox for enrollment as a citizen of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the above named person as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Very respectfully,

Commissioner in Charge.

Enc. D - 704.

✓ Charles M. Cox

- A Original testimony of 10/25/00.
- B Memo. of Application of 10/25/00.
- C Copy of decree of divorce.
- D Certified Copy of marriage license.
- E Supplemental volume 2/28/02.

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See Cherokee Jacket 4912

Cher D 705

Cher D 705

Straight as to applicant and his child Annie B. Price.

Beautiful as to his wife--Mary A. Price.

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, Indian Territory, October, 26th 1900.

In the matter of the application of Daniel G. Price for the enrollment of himself, wife and one child as Cherokee citizens. He being sworn before the Commission testified as follows:

Q What is your name? A. Daniel G. Price.
Q How old are you? A. 58.
Q What is your post office address? A. Colagah.
Q What district do you live in? A. Goo-wee-soo-wee.
Q Do you want to enroll yourself and family? A. Yes sir.
Q Have you a wife? A. Yes sir.
Q How many children have you? A. Only one.
Q Are you a Cherokee by blood? A. Yes sir.
Q Is your wife a Cherokee? A. No sir.
Q White woman? A. Yes sir.
Q How long have you lived in the Cherokee Nation? A. 7 years.
Q Were you admitted to citizenship by the Cherokee Commission or Council? A. By the Commission.

The applicant presents a duly authenticated certificate to citizenship showing that on June 27th 1888, Dan G. Price was admitted to citizenship by the Commission as a Cherokee by blood. This is identified as official evidence of applicant's admission as stated, and the document is ~~returned~~ returned to him.

Q You were admitted in 188, when did you come here to reside? A. In 1893.
Q Have you lived here ever since? A. Yes sir.
Q Give me your wife's name? A. Mary A.
Q How old is she? A. 54.
Q When did you marry her? A. In 1866.
Q Have you ever married her since you came to the Cherokee Nation? A. No sir.
Q Have you re-married her since you were ~~enrolled~~ admitted in 1888? A. Never married her but the one time.
Q When was that? A. In 1866.
Q Where was it? A. In Gonzales Texas.
Q Has she lived with you ever since you married her? A. Yes sir.
Q Give me the name of your child? A. Annie B.
Q How old is she? A. 13.
Q Is she living now? A. Yes sir.

1896 roll, page 235, No 3841, Dan G. Price, Goo-wee-soo-wee.
1896 380 389, Mary A. Price, "
1896 235 3842, Anna B. Price, "

The applicant presents an official copy of his marriage license issued by the Clerk of Gonzales County, Texas, January 31st 1866. This is filed herewith.

The applicant applies for the enrollment of himself, wife and one child. He is shown to have been admitted to Cherokee citizenship in 1888. He availed himself of the rights thereby conferred and came to the Cherokee Nation 7 years ago, and he states that he has lived here ever since that time. He is identified on the 1896 roll and will be listed for enrollment as a Cherokee by blood. His child Annie B. Price is identified on the roll of 1896, is a minor, is alive now and will be listed for enrollment as a Cherokee by blood.

Daniel G. Price 2.

The applicant is shown to have married his wife in 1866, they have lived together ever since. She is not mentioned in the certificate of admission admitting her husband, nor were they re-married within the Cherokee Nation, their marriage having been performed in the state of Texas. She is identified with her husband on the roll of 1896, and she will be listed for enrollment now as a Cherokee by adoption, but upon a neutral card for the further consideration of her rights as a Cherokee citizen.

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled case and that the foregoing is a full, true and correct transcript of his stenographic notes in said proceedings.

Chas von Weise

Subscribed and sworn to before me this the 26th of October, 1900.

MD Green
Notary Public,

26

R

C. D-708

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 7, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the
application of Mary A. Price for enrollment as a Cherokee citizen.

Appearances:

Applicant's husband, Daniel C. Price,
W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant's husband, Daniel C. Price, was
notified by registered letter February 17, 1902, that the
application of his wife for enrollment as a citizen of the
Cherokee Nation would be taken up for final consideration by
the Commission at its offices in Muskogee, Indian Territory on
the 7th day of March, 1902; receipt has been acknowledged of
the Commission's letter and the applicant this day, to-wit: the
7th day of March, 1902, appears by her husband.

DANIEL C. PRICE, being first duly sworn and being examined
testified as follows:

BY COMMISSION:

Q What is your name? A Daniel C. Price.

Q What is your age? A 58.

Q What is your post-office address? A Oolagah.

Q You are the husband of Mary A. Price, an applicant before the
Commission for enrollment as a citizen of the Cherokee Nation?

A Yes sir.

Q You were requested to supply the Commission with evidence of
your re-admission to citizenship, have you got it with you?

A (Produces papers. I have not been married according to Cherokee
laws after I was admitted.

BY COMMISSION: There is offered in evidence a certifi-
cate from the Cherokee Commission on citizenship showing that
the applicant's husband, Daniel C. Price, with others, was
admitted to citizenship in the Cherokee Nation on the 22nd day
of June, 1888.

Q Any other statement you desire to make relative to the applica-
tion of your wife for enrollment? A That is the only statement
I have.

Q You submit the case to the Commission for final consideration?

A Yes sir, and whatever they do is all right with me.

BY COMMISSION: The applicant's husband and the representative
of the Cherokee Nation present submit the case, and same is
ordered closed and reported to the Commission for final de-
cision based upon the evidence now of record.

I, M.D. Green, do hereby certify that as stenographer to the Commis-
sion I correctly recorded the testimony and proceedings in this
case and that the foregoing is a true and complete transcript of my
stenographic notes thereof.

M.D. Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

9813

In the matter of the application for the enrollment of
Mary A. Price as a citizen by intermarriage of the Cherokee Nation,

DECISION.

The record in this case shows that on October 25, 1900, Daniel C. Price appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment, among others, of Mary A. Price as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory on March 7, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that the said Mary A. Price was lawfully married on February 1, 1866 to Daniel C. Price who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said nation on June 27, 1888. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship.

The said Mary A. Price is identified on the Cherokee Census Roll of 1896.

The evidence further shows that the said Mary A. Price has lived with her husband in the Cherokee Nation since the year 1893, and that she was a resident of said nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Mary A. Price should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of section twenty-one of the Act of Congress, approved June 25, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

JUL 25 1902

this _____

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COMMISSIONERS
HENRY L. DAWES.
TAMM BIRBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON I. AVIESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-706

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 29, 1902.

Mr. W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

Enclosed herewith please find copy of a decision of the Commission to the Five Civilized Tribes, rendered the 25th day of July, 1902, granting the application of Daniel C. Price for the enrollment of his wife, Mary A. Price, as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Commissioner in Charge.

Enc. D-706.

Mary A Price

A Original testimony of 10/25/00

B Memo of application of 10/25/00

C Notice of final consideration, 3/7/02

Letter of admission

E Supplemental proceedings and
order closing testimony 3/7/02

See Charles packet # 4914

CHAP. I.

100 D 706

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CLARKSBURG, I.T., OCTOBER 25th, 1900

In the matter of the application of Marcus B. Rich for the enrollment of ANNIE TIESKA, as a citizen of the Cherokee Nation, said Rich being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your name? A Marcus B. Rich.
Q How old are you? A 27 years old.
Q What is your post office? A Talala.
Q Do you live in Coowasawnee district? A Yes, sir.
Q Who is it you want to have put on the roll? A Annie Tieska.
Q How old is this child? A She is 11 years old.
Q Is she an orphan? A Her mother is dead, her father is living.
Q Give me the name of this child's father? A George Tieska.
Q Is he dead? A No, sir, he is living.
Q Is he Cherokee? A Yes, sir.
Q How old is he? A I declare I could not tell, I suppose he is must be 35 or 40 years old.
Q Give me the name of this child's mother? A I could not tell you.
Q Did you know the child's mother? A No, sir, she has been dead some time.
Q Why cannot the child's father apply for her? A He could have done it; her grand-mother sent me word to apply for her.
Q Is that grand-mother on the father's side? A Yes, sir. She was a Foreman.
Q You do not know anything about the child's mother? A No, sir. The child had no home and they asked me to take care of her.
Q Do you know whether this child's mother was a white woman or Cherokee? A She was an Indian.
Q How do you know it? A Them told me.
Q Do you know anything about this child's father and mother being duly married? A No, sir.
Q Where does George Tieska live? A I could not tell you, he has not got any home. He is in Arkansas somewhere I think.
1896 Roll; page 799, #2180, Annie Tieskie, Going Snake.
Q You say the girl is nearly ~~xx~~ full blood? A Yes, sir.
Q Is she more than half breed? A Yes, sir.
Q That is evident? A Yes, sir.

Com'r Breckinridge:--The applicant applies for the enrollment of a child in his charge, Annie Tieska. The child is identified on the roll of 1896. Her father is identified on the roll of 1880, and her mother is dead. No definite information can be obtained in regard to the mother. The applicant states that he thinks the child is more than a half breed; that she is nearly a full blood, as far as he can judge. For the present the enrollment of this child will be ~~xx~~ taken under consideration and she will be placed upon a doubtful card, to see if any definite information can be obtained in regard to the mother.

---oooOoo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 25th day of October, 1900.

Commissioner

Commissioner.

Department of the Interior.
Commissioner of the Five Civilized Tribes.
Cherokee, I. T., October 28th, 1900.

In the matter of the application of Marcus B. Rich for the enrollment of Annie Tieska as a Cherokee citizen; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows

SUPPLEMENTARY TESTIMONY.

Q Give me your full name? A Marcus B. Rich.
Q You want to give additional testimony in the application that you made to-day for the enrollment of a child, don't you? A Yes sir.
Q Give me the name of that child? A Annie Tieska.
Q Have you found out who is the mother of that child? A Yes sir.
Q What's her name? A Sallie Walkingstick.
Q How did you find out that is the name of her mother? A I saw one of her ~~brother's~~ cousins, Mr. Foster.
Q He told you? A Yes sir.
Q Who else? A Mr. Walkingstick.
Q One of our interpreters? A Yes sir, this one sitting right here.
Q The former testimony is not written up, but I believe you stated that the mother is dead? A Yes sir.
Q Been dead about how many years? A I couldn't tell you.
Q You know she's dead? A Yes sir, she's dead.
Q What was the name of the father of this girl's mother? A John Walkingstick.
1880 roll; page 488, #1938, John Walkingstick, Goingsnake Dist.
1880 roll; page 488, #1938, Sarah

Commissioner Breckinridge:

This goes with application D-708. The child's mother is identified on the roll of 1880, and the child will be listed for enrollment as a Cherokee by blood.

E. G. Rothenberger, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

E. G. Rothenberger

Subscribed and sworn to before me this 28th day of October, 1900.

M. D. Green
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of Annie Tieska for enrollment as a citizen of the Cherokee Nation.

—O—

On the 25th day of October, 1900, Marcus B. Rich appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Annie Tieska as a citizen by blood of the Cherokee Nation.

At the conclusion of the evidence offered at that time the name of Annie Tieska was placed upon a doubtful card awaiting definite information in regard to her mother.

Further evidence has been submitted to this Commission and the following decision is rendered:

D E C I S I O N .

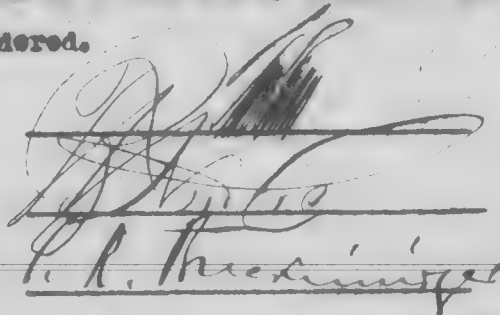
From the evidence of record in this case it appears that Annie Tieska is a minor; that she has resided in the Cherokee Nation all her life; that she is duly identified on the Cherokee census roll of 1896. Her deceased mother is duly identified on the 1880 authenticated tribal roll of the Cherokee Nation. She resided in the Cherokee Nation until her death. She was a Cherokee by blood.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may

have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the facts and the law in this case it is considered that Annie Tieska, being a descendant of a person whose name appears upon the 1880 authenticated tribal roll of the Cherokee Nation, is entitled to be enrolled as a citizen by blood of the Cherokee Nation, and it is so ordered.



P. R. McQuinn

Commissioners.

Dated at Muskogee, Indian Territory,

JUN 9 - 1902

OK

COMMISSIONERS.
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRUNKINIDGE.

ALLISON I. AYLESWORTH.
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cher. D-706.

Muskogee, Indian Territory, June 9, 1902.

W. V. Hastings, Esq.,

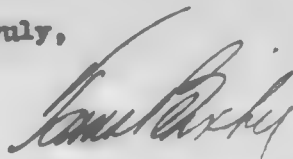
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find copy of the decision of the Commission rendered June 9, 1902, in the matter of the application of Annie Tieska for enrollment as a citizen of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the person above named as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Yours truly,



Acting Chairman.

aka

Encl. D-706.

IN THE MATTER OF THE APPLICATION OF

Annie Tieska

FOR ENROLLMENT AS

CHEROKEE CITIZENS

Annie Tieska et al.

- 1 Original testimony of 11/25/01
- 2 Memo. of application of 11/25/01
- 3 Supplementary testimony of 11/25/01
- 4 Supplemental testimony, March 1, 1902

Copies made

Sept 25, 1902 Cancelled and
transferred to file 1632

Enrolled

CHET D 107

CHET D 107

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CHEROKEE TRIBES.
CLAREMORE, I. T., OCTOBER 24th, 1900.

IN THE MATTER OF THE APPLICATION OF Elizabeth R. Rogers for the enrollment of her son, Frederick R. Rogers as a citizen of the Cherokee Nation, and the said Elizabeth R. Rogers, appearing before the Commission and being sworn by Commissioner, C. R. Brookings, testified as follows:

By the Commission:

- Q What is your name? A Elizabeth R. Rogers.
Q How old are you? A Fifty six.
Q What is your Postoffice? A Claremore.
Q What district do you reside in? A Commencement.
Q How long have you resided there? A Six years.
Q Where did you live prior to that time? A Ft. Gibson.
Q How long have you lived in the Cherokee Nation? A Fifteen or sixteen years.
Q Where did you live before you came to the Cherokee Nation?
A In Georgia.
Q Do you make application for enrollment as a citizen by blood?
A I am not a citizen; I am applying for my little boy, Frederick R. Rogers.
Q You do not apply for yourself? A No sir.
Q How old is your son? A Sixteen years old.
Q Is this child living and living with you? A Yes sir.
Q Where was he born? A He was born in Georgia.
Q He is your own child? A Yes sir.
Q Who is his father? A G. M. Rogers.
Q Was he a Cherokee by blood? A Yes sir.
Q Is he living or dead? A He died last April, the 23rd day.
Q Have you any evidence of your marriage to G. M. Rogers? A I have no certificate, if that is what you mean. We were married thirty or forty years ago back in Georgia.
Q Where were you living at the time of your marriage? A In Georgia.
Q Was your husband admitted to citizenship when he moved to the Cherokee Nation sixteen years ago? A Yes sir.
Q Have you any evidence of that fact? A Yes sir.
Q Is there any one here present who was present at your marriage to Mr. Rogers? A No sir; it was in the City of Atlanta, forty years ago.
Q You have no documentary evidence of your marriage to him?
A No sir; We were not remarried when we came to the Cherokee Nation.
Q Was a license issued when you and he were married? A Yes sir.
Q Was George M. Rogers ever married before he married you?
A No sir.
Q Were you ever married before you married him? A No sir.
The applicant presents a certificate, issued by the Commission on Citizenship, dated at Tahlequah, on the 26th day of September, 1894, signed by Mr. Spears, President; Andrew Young, Commissioner; the document is attested by C. O. Fry, Clerk of the Commission; admitting sundry persons to citizenship, among whom appears the name of George Rogers.
Q Is the George Rogers mentioned in this certificate the father of your child, and your husband? A Yes sir.
(1894 Roll, Page 239, #3942, Frederick R. Rogers, Geo. District)
Q What is the exact date of your son's birth? A July 31st, sixteen years ago.

The applicant, Elizabeth R. Rogers, a white woman, applies for the enrollment of her son, Frederick R. Rogers, whom she avers is her child by her deceased husband, G. M. Rogers; she presents a certificate, issued by the Commission on citizenship, in which it appears

that her husband, George Rogers was admitted to citizenship in the Cherokee Nation, in 1884. She swears that her son was born on the 31st day of July, 1884, two months before said certificate admitting her husband to citizenship in the Cherokee Nation was issued. She presents no satisfactory proof as to her marriage to the said George Rogers; and for this reason, her son, Frederick M. Rogers will be placed upon a ~~questionable~~ what is known as a doubtful card, for the further consideration of the Commission; and she is requested to file with the Commission, as soon as possible, a certified copy of the marriage license and certificate, showing her marriage to her deceased husband, George M. Rogers.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R. R. Cramer

Subscribed and sworn to before
me this 26th day of October, 1900.

W. D. Green

NOTARY PUBLIC.

5707

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 1 1901



ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. January, 31st 1901.

In the matter of the application for the enrollment of Fredrick E. Rogers
B-7707. SUPPLEMENTAL TESTIMONY.

F. B. FITE, being sworn before Commissioner T. B. Hadden, testified as follows-

Q What is your name? A. F. B. Fite.
Q What is your age? A. 30, about.
Q What is your post office address? At Muskogee.
Q Do you know George M. Rogers? A. Yes sir.
Q Do you know his wife, Elizabeth R. Rogers? A. I know his wife, I guess that is her name.
Q What do you know about their marriage? A. I know that they lived in Cartersville, Georgia, where I used to live, in the '80's, and also have known them after they moved out here. They lived together as man and wife and raised up a family of children there.
Q Have they always been acknowledged in the community in which they lived as man and wife? A. Yes sir; they did business with a Mr. Tiller who had a store and for whom I clerked when I was a boy. He was a farmer and had a big farm about a mile and a half from town and bought their supplies there.
Q How long have they lived in the Territory? A. Since 1880.
Q Do you know that they have lived together as man and wife since coming to the Indian Territory? A. Yes sir, I have often been at their place, and waited on them several times.
Q Do you know whether they were ever legally married or not? A. No sir I don't know that.

+++++

Chas. von Weiss, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weiss

Subscribed and sworn to before me this 1st of February, 1901.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Frederick E. Rogers as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on October 25, 1900, Elizabeth R. Rogers appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment of her minor child, Frederick E. Rogers, as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on January 31, 1901, and on March 7, 1902.

The evidence shows that Frederick E. Rogers is a Cherokee by blood, and the minor child of George E. Rogers, deceased, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said nation on September 26, 1884, as shown by the records of the Cherokee Nation in the possession of this Commission.

The said Frederick E. Rogers is identified on the 1896 Census Roll of the Cherokee Nation.

The evidence further shows that the said Frederick E. Rogers has resided in the Cherokee Nation all his life, and that he was a resident of said nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Frederick E. Rogers should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of section twenty-one of the act of Congress, approved June 22, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Noting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this SEP 20 1902

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON I. AVIESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 707.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 29, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Elizabeth R. Rogers for the enrollment of her minor child, Frederick E. Rogers, as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. C. No. 49.

V
Frederick E Rogers

A Original testimony of 1727/02

B Memo. of application of 1727/02

C Supplementary testimony of 1818/01
Receipt for testimony

D Notice of final consideration, 3/11/02

E Order of final testimony 3/17/02

Devison - E

Transferred to 9787

Clear D 708

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Department of the Interior,
Commission to the Five Civilized Tribes.
Claremore, R. T., October 25, 1900.

In the matter of the application of Wellington Rogers for the enrollment of himself, wife and children as Osage citizens; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your full name. A Wellington Rogers.
Q How old are you? A 46.
Q What is your postoffice? A Skiatook.
Q Do you live in Coowessawee district? A No sir.
Q What district do you live in? A Osage Nation.
Q Who is it you want to have enrolled? A Myself, wife and two step-children.
Q Are you a Cherokee by blood? A Yes sir.
Q What's your wife? A She's an American.
Q She's a white woman? A Yes sir.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir, always have been.
Q All your life? A Yes sir.
Q How long have you lived in the Osage Country? A Four years I believe.
Q Where did you live before that, in the Cherokee Nation? A Yes sir.
Q All your life? A Right in Coowessawee district all my life.
Q What are you doing out there in the Osage Country; living there?
A Farming, making my home there.
Q You are not recognized as a citizen out there? A No sir.
Q Give me the name of your wife? A Dora E.
Q How old is your wife? A 28.
Q When did you marry her? A 29th day of August last.
Q Of this year? A Yes sir.
Q Does she claim only through this marriage to you? A She claims her right through her first husband.
Q She has been married before? A Yes sir.
Q Have you a certificate of her marriage to you? A Yes sir.
The applicant presents a certificate of marriage to his present wife, dated Aug. 29th of the present year, showing that the ceremony was performed by the Rev. E. F. Hill, and it is filed herewith.
Q What was the name of her former husband? A Watson Hicks.
Q When did she marry him? A About 10 years ago I think.
Q Was he a Cherokee? A Yes sir, he was a Cherokee.
Q Is he dead? A Yes sir.
Q When did he die? A He has been dead about three months, I think. They were separated before he died.
Q He died before you married her? A Yes.
Q How old was he when he died? A I don't know his age.
Q Did he live in the Cherokee Nation all his life? A Yes sir, I think he did. He was about fifty years old I believe.
Q Has she a certificate of her marriage to Watson Hicks? A Yes sir.
The applicant presents a certificate dated Sept. 21, 1890, showing that his wife and her former husband, R. W. Hicks, were married at the time stated, by the Rev. T. Bass. This is filed herewith.
Q His full name was R. W. Hicks, was it? A I don't know I suppose so.

Witness, Dora E. Rogers, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your full name? A Dora Emma Rogers.
Q You're the wife of this applicant here? A Yes sir.
Q Give me the full name of your former husband. A Robert Watson Hicks.
Q Were you ever married before you married him? A No sir.
You have only been married to that husband and his husband? A Yes sir.
Q Was your husband Hicks ever married before & married you? A Yes, but he had a divorce and his other wife had married another man.

2- W.R.

Q Have you a copy of the decree of divorce that Hicks got from his other wife? A No sir, I haven't.

Q Do you know where the divorce was obtained? A At Tahlequah.

Q You can write there and get a second copy of the decree? A I suppose I could.

re-direct.

Q You have been married before this marriage? A Yes sir.

Q How many times? A Twice.

Q Both of your former wives were dead before you married this wife? A Yes sir.

Q Give me the names of these step-children? A I can't give their names.

Witness, Dora E. Rogers further testified:

Q Give me the name of your children? A The oldest one is Claude J. Hicks.

Q How old is that child? A Nine years old.

Q Next child? A Mary M. Hicks.

Q How old is she? A Six.

Q Both living now are they? A Yes sir.

1880 roll; page 180, 2287, Wellington Rogers, Cooweescoowee.

1880 roll; page 770, #1088, Watson Hicks, Tahlequah Dist.

1896 roll; page 848, #1149, Wellington E. Rogers, Cooweescoowee.

1896 roll; page 1188, #1591, Watson Hicks, Tahlequah Dist.

1896 roll; page 1188, #1592, Claude Hicks, Tahlequah Dist.

1896 roll; page 1188, #1593, Mary M. Hicks, Tahlequah Dist.

Q When did you separate from your husband, Hicks? A I separated from him four years ago.

Q Did you get a divorce from him? A Yes sir, he got the divorce from me; I didn't get a divorce.

Q What time in the year was it you separated from him? A In November, 15th.

Q Had you separated before that? A We separated before.

Q When did you separate the first time? A Four years ago; he got the divorce two years afterwards.

Q You separated in '96 and he got the divorce in '98? A Yes sir.

Q And then he died three months ago? A Yes sir.

Q On what grounds did he get that divorce? A I don't know; he never notified me at all.

Q It will be necessary for you to send us a copy of that decree of divorce.

Commissioner Breckinridge:

The applicant applies for the enrollment of himself, his wife, and two step-children. He is identified on the rolls of 1880 and 1896 as a Native Cherokee. He states that he has lived in the Cherokee Nation all his life up to four years ago when he moved to the Ojaga Nation, where he has continued to make his home. He will be listed as a Cherokee by blood, but for the further consideration of his removal of residence as effected by the Curtis Law, his application will now be white carded and kept under advisement for the consideration of the full Commission. His step-children are identified on the roll of 1880. Their father, now dead, is identified on the rolls of 1880 and 1896. A certificate of marriage shows that their father and mother were married in September, 1890, and the mother states that she was never previously married. She states, however, that the father had been previously married. It is her belief that he had procured a divorce from his former wife before her own marriage to him. It appears that the married this husband, Hicks, some ten years ago, and they lived together for a number of years. These children are living now, but their right to enrollment depends upon the legality of the marriage between their mother and her husband Hicks, which depends upon the fact of his having procured a divorce from his former wife. These children will be listed as Cherokees by blood upon a white card to be submitted to the Commission.

F. V. R.

wife. The applicant's wife, now Dora E. Rogers, is shown as stated, to have married her husband Hicks, a Cherokee, identified on the rolls of 1880 and 1890, in 1890. Her own right to enrollment depends upon proof of Hicks' divorce from his former wife. In the second place, if this be established, she must supply the Commission with a copy of the divorce between herself and Hicks, and the evidence must show that she did not, by proceedings in that connection, lose her right to enrollment. She states the divorce was granted to Hicks; and in the third place, it remains to be seen whether she continued or lost whatever right she possessed by her marriage to her present husband, as his rights may appear in connection with his removal to the Osage Country. She is not identified on the roll of 1890, and the presumption therefore is, that she had lost her rights as an intermarried Cherokee by reason of her separation from her husband Hicks. The final decision of the Commission will be made known to the applicant at his postoffice address.

E. G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

E. G. Rothenberger

Subscribed and sworn to before me this 26th day of October, 1900.

Madison
Notary Public.

SUPPLEMENTAL: D 706.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tulsa, I.T., December 14, 1900.

In the matter of the application of Dora B. Rogers for the enrollment of herself and children; as Cherokee citizen; being sworn and examined by Commissioner Needles she testified as follows:

- Q What is your name? A Dora B. Rogers.
Q What is your age? A 29.
Q What is your post-office address? A Skiatook.
Q In what district do you live? A Cowascombee.
Q Are you a recognized citizen of the Cherokee Nation? A No sir, my husband is the Cherokee.
Q Where is your husband? A There he is. (Indicating man)

WELLINGTON ROGERS, being sworn and examined by Commissioner Needles testified as follows:

- Q What is your name? A Wellington Rogers.
Q Have you been married? A Yes sir, at Okemore.
Q What does your wife want here? A Something about her children.

APPLICANT RECALLED:

- Q What is the matter with your children? A I have some children by another husband, Hicks.
Q Was Watson Hicks married to Dora and Anna Hicks both? A Yes & me.
Q He was divorced from Dora Hicks, who is that? A That's me.
Q Who is Anna Hicks? A That's the wife he was divorced from before he married me.

WELLINGTON HICKS, recalled:

Examined by W.W. Hastings:

- Q Were you ever married before? A Yes sir.
Q What was your first wife's name? A Mary Cobb.
Q Is she alive? A No sir.
Q When did she die? A She has been dead 20 years I guess.
Q What was your second wife's name? A My second wife was Etta Cooper.
Q When did you marry her? A I don't know what year.
Q Is she living or dead? A She is dead.
Q When did she die? A I don't know how long it has been exactly, about 10 years I guess.
Q And who was your third wife? A This woman here.
Q And your second wife was dead before you married her? A Yes sir.

APPLICANT RECALLED:

examined by W.W. Hastings:

- Q What is your name? A Dora Rogers.
Q You left your husband Watson Hicks before he died? A Yes sir.
Q He sued you for a divorce? A Yes sir, but he never notified me; I never knew anything about it.
Q He got the divorce? A Yes sir, because he never notified me.
Q The court gave him the divorce all right enough? A I suppose it did, I never knew anything about it until yesterday.
Q Didn't you testify before the commission up at Okemore that your husband got a divorce? A I told them I heard he got a divorce.
Q You left him a long time ago? A I know I did, because he

Dora E. Rogers et al v

wouldn't provide me with a living and I couldn't live with him.

Q The court gave him the custody of the eldest child didn't it?

A No, I didn't say it did, and I don't know it did.

Q And your husband, Watson Hicks, was afterwards sent to the insane asylum? A Yes sir.

Q As long as he was in the insane asylum you never cared for the child? A Simply because I never knew where he was; I never could find the child; I wrote all over the country; I have got the guardian papers for it.

By Court Needles:

Q Have you got anything else you want to file? A Here is my guardian papers.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.



Subscribed and sworn to before me this December 17, 1900.



Commissioner,

On the 1st of March, 1891, the following was received from the Hon. the Secretary of the Navy, Washington, D. C.:

MAR 20 1907

ACTING GUARDIAN

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D. B-708

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 7, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Wellington Rogers for the enrollment of himself, wife and children
as Cherokee citizens.

Appearances:

W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter
February 17, 1902, that his application for the enrollment of
himself, wife and children as citizens of the Cherokee Nation
would be taken up for final consideration by the Commission at
its office in Muskogee, Indian Territory, on the 7th day of
March, 1902, and that on said date he might appear before the
Commission, either in person or by attorney, when an opportunity
would be given him to introduce any additional testimony
affecting his application. Receipt has been acknowledged of
the Commission's letter. The applicant having this day to-wit:
the 7th day of March, 1902, been called three times and failing
to respond, either in person or by attorney, this case is
considered completed, and it is ordered that same be reported
to the Commission for final decision based upon the evidence
now of record.

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I, M.D. Green, do hereby certify that as stenographer to the Commission
to the Five Civilized Tribes I correctly recorded the testimony and
proceedings in this case and that the foregoing is a true and com-
plete transcript of my stenographic notes thereof.

M.D. Green

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskegee, Indian Territory, October 20th, 1902.

In the matter of the application of Wellington Roberts for the enrollment of himself as a citizen by blood; for the enrollment of his wife, Dora E. Rogers, as a citizen by intermarriage; for the enrollment of his step-children, Claude J. and Mary M. Hicks, and his daughter, Ruby L. Rogers, as citizens by blood of the Cherokee Nation.

Supplemental to D-708,

Cherokee Nation appears by J. C. Starr.

WELLINGTON ROGERS, being duly sworn, testified as follows:
Examination by the Commission.

- Q. What is your name? A. Wellington Rogers.
Q. How old are you? A. 44.
Q. What is your post office? A. Skiatook.
Q. Are you a Cherokee by blood? A. Yes, sir.
Q. How long have you been a resident of the Cherokee Nation?
A. All my life up to the last eight years.
Q. Where have you been the last eight years? A. Osage.
Q. Osage Nation? A. Yes, sir; been living there.
Q. Are you living in the Osage Nation now? A. Yes, sir.
Q. What is your wife's name--Dora E. Rogers, is it? A. Yes, sir.
Q. Is she a white woman? A. Yes, sir.
Q. Is she claiming as a citizen by intermarriage? A. Yes, sir.
Q. Claiming through you, is she? A. No, sir; claiming through her first husband.
Q. What is his name? A. Hicks.
Q. Was he a Cherokee by blood? A. Yes, sir; he was a Cherokee by blood.
Q. When was Dora married to him? A. Married him in '90.
Q. How long did she live with him? A. Lived with him between 4 and 5 years.
Q. Did they separate? A. They separated. He is dead.
Q. What was the cause of the separation? A. He didn't provide for her. He left her there four or five weeks without anything to eat.
Q. She quit him? A. She had to quit him; had to go and get work.
Q. You say he is dead? A. Yes, sir.
Q. Did he die before you married her? A. Yes, sir.
Q. How often were you married? A. Married twice.
Q. Were both wives white? A. No, sir; my last wife was Osage.
Q. Your first wife was dead when you married your second?
A. Yes, sir.
Q. Was your second wife dead when you married Dora? A. Yes, sir.
Q. Have you and Dora been living together ever since you were married? A. Yes, sir.
Q. You say you went to the Osage Nation about 1894, was it?
A. Well, I expect it was. I don't know exactly. I think it was nine years this fall.
Q. What are you doing there? A. Farming.
Q. That is your home, is it? A. No, sir; I am living there with my children. I have three Osage children.
Q. What are their names? A. Rose, Joseph and John Henry.
Q. These are children by your second wife? A. Yes, sir.

Q. Who is Claude J. Hicks? A. That is my wife's child by her first man.
 Q. Mary is also your wife's child by her first husband?
 A. Yes, sir.
 Q. Have they been living in the Cherokee Nation-----
 A. They have been living in the Cherokee Nation all their lives.
 Q. They are living in the Osage Nation, aren't they? A. No, sir; living in the Cherokee Nation with their mother.
 Q. Who is Ruby E. Rogers? A. We have lost her.
 Q. When did she die? A. She died the 17th of last month.
 Q. When did you marry Dora? A. We have been married two years, I think; two years this last August.
 Q. Married over in the Osage Nation? A. Yes, sir.
 Q. Your wife has always lived in the Cherokee Nation since your marriage? A. Yes, sir.
 Q. And this child also, Ruby? A. Yes, sir.

BY MR. STARR:

Q. You have made the Osage Nation your home since you have been there? A. Yes, sir. I been there.
 Q. The Osage Nation is in the Territory of Oklahoma?
 A. Yes, sir; I guess so. I am in the Cherokee Nation pretty nwarly as much as I am in the Osage.

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Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this ^{16th} day of December, 1902.

B. C. Jones
 Notary Public.

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Cherokee D 708.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Wellington Rogers, et al., as citizens by blood of the Cherokee Nation.

--:--

D E C I S I O N.

-1-

The record in this case shows that on October 25, 1900, Wellington Rogers appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment of himself and step-children, Claude J., and Mary M. Hicks, as citizens by blood, and his wife, Dora E. Rogers, as a citizen by intermarriage of the Cherokee Nation, but as the status of intermarried citizens is not at this time fixed, the rights of Dora E. Rogers to enrollment as an intermarried citizen of the Cherokee Nation, will not now be passed upon. Subsequently, an affidavit was filed with this Commission, and made a part of the record in this case, showing the birth of Ruby L. Rogers, on July 15, 1901. Further proceedings in the matter of said application were had at Tanlequan, Indian Territory, December 14, 1900, and at Muskogee, Indian Territory, October 20, 1902.

The evidence herein shows that the principal applicant, Wellington Rogers, is a Cherokee by blood, is identified on the Cherokee authenticated tribal roll of 1880, and, except as below noted, has continuously resided in the Cherokee Nation all of his life. The minor applicant, Ruby L. Rogers is the child of the said Wellington Rogers, was born since 1880, and continuously resided with her parents until her death in September, 1902.

The evidence further shows that one Watson Hicks, a Cherokee by blood, is the father of the minor applicants, Claude J., and Mary M. Hicks; that he is identified on the Cherokee authenticated tribal roll of 1880, and continuously resided in the Cherokee Nation until his death in 1900. It further appears that the said minor applicants, Claude J. and Mary M. Hicks, were born since 1880, and have resided in the Cherokee Nation since birth.

-2-

The evidence further shows that since the year 1896, the said Wellington Rogers has resided in the Osage Nation, but it does not appear that he has become a citizen of said Nation, and it is not considered that his rights to citizenship in the Cherokee Nation have been forfeited thereby.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Joseph D. Yearguin, et al., (I.T.D. 2900-03), Wellington Rogers, Ruby L. Rogers, Claude J. Hicks and Mary L. Hicks, should be enrolled as citizens of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 25, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

James E. Dixon

Chairman

I. B. Needles

Commissioner.

W. C. C. C. C.
Commissioner.

Muskogee, Indian Territory,

this JAN 10 1905

Watson Hicks
Vs
Annie Hicks

{ Divorce for desertion.

1st o- 2nd o- both at once.

Judgment ~~granted~~ confessed by defendant and decree of divorce granted plaintiff.

Executive Office Cherokee Nation,
Ind. Ter.

I, B.W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that that the above is a true copy taken from the docket of The Circuit Court of Tahlequah District Cherokee Nation, now filed in this office according to law and in my custody for *may term 1891.*

B. W. Alberty
Assistant Executive secretary,
Cherokee Nation.

ATTORNEYS

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. C. D. 703.

uskogee, I. T., March 1st, 1903.

A. M. Alberty, Esq.,

Taniquah, I. T.

Dear Sir:

Please examine the Circuit Court record of Chickasaw District and send us a certified copy of the decree of the court granting a divorce in the case of Watson Hicks vs Bora Hicks, his wife.

Yours truly,

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. E. BRECKINRIDGE,

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
D 708

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 13, 1905.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated January 13, 1905, granting the application for the enrollment of Wellington Rogers, his minor child, Ruby L. Rogers, and his minor stepchildren, Claude J. and Mary M. Hicks, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Encl. B 81

Chairman

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 Selling to [illegible]

Original testimony of 10/25/00
 Memo of application of 10/30/00.
 Supplemental testimony of 12/14/00.
 Marriage certificate of applicant
 Marriage certificate of applicant wife before husband
 Certified copy of decree of divorce M. Hicks vs. A. Hicks
 Certified copy of decree of divorce M. Hicks vs. Dora Hicks
 Letters of Guardianship
 Letter from Seage Agency relative
 to applicant's inheritance of Seage Indian
 On the affidavit of [illegible]

Notice of final consideration 3/7/02
 Order closing testimony 3/11/02

FEB 4 1905

Chancery Clerk
 [illegible signature]

REGISTRY RETURN RECEIPT.

Form No. 1043.

Registered by name *Medina*

From Post Office at MUSKOGEE, IND. TER.,

Postage paid by *Medina*
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...the ... of ...
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Secret to and superseded by the ... of October, 1900.

Continued.

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I. T., October 23, 1900.

In the matter of the application of James William Turley for the enrollment of himself as a Cherokee by intermarriage and his wife and one child as Cherokees by blood; being sworn and examined by Commissioner B. Rockinridge, he testified as follows:

- Q Give me your full name? A James William Turley.
Q How old are you? A 34.
Q What is your post office? A Tulsa.
Q In what district do you live? A Coover, Choctaw.
Q Do you want to enroll yourself and family? A Yes, sir.
Q Have you a wife? A Yes, sir.
Q How many children have you? A One child living.
Q Are you a Cherokee by blood? A No, sir, by adoption.
Q Is your wife a Cherokee by blood? A Yes, sir.
Q Let me see your license and certificate please? A This certificate is my first one; I married again.
(The applicant presents an official copy of the records of Coover-choctaw district, showing that he was married in accordance with Cherokee law in January 12, 1894. The document is filed herewith. He was married at that time to Mrs. Alsa Hendricks.)
Q Is your wife living? A No, sir, she is dead.
Q Was she a Cherokee by blood? A Yes, sir.
Q When did she die? A She died, I have forgotten; I believe it was in 1895; no, it was later than that.
Q How old was she when she died? A I don't know, she didn't know her age, she was probably 35 or 40 or somewhere along there.
Q Were you ever married before you married your wife Alsa? A No, sir.
Q How long had she lived in the Cherokee Nation? A All her life; born and raised here.
Q Give me the name of her father? A I can't do that.
Q Do you know the name of her mother? A No, I don't know that either.
Q What was her name before it was Hendricks? A It was Cochran. I think.
Q Was that her maiden name? A Yes, sir, her and Jess Cochran and Alex Cochran were all cousins I think.
Q When was she married to her husband Hendricks? A I don't know that.
Q Was Hendricks dead when you married her? A Yes, sir, he had been dead seven or eight years.
Q Now you have married since you married this woman Alsa? A Yes, sir.
Q To whom have you been married the second time? A To Mary Hendricks, Mary Turley now.
Q How old is she? A 22 years old.
Q Is she a Cherokee by blood? A Yes, sir.
Q Was she born in the Cherokee Nation? A Yes, sir.
Q Lived here all her life? A Lived here all her life, never been out of it.
Q What was her name when you married her? A Mary Hendricks.
Q That was her maiden name? A Yes, sir.
Q What was the name of her father? A Charley Hendricks.
Q Is he dead? A Yes, sir, he is dead.
Q Give me the name of her mother? A Her mother was Aggie I think.
Q Is she dead? A Yes, sir.
Q How long has her father been dead? A He got killed down here at Cherokee.
Q What was the date 1890? A Yes, sir, I think so.
Q How long has her mother been dead? A She died at the time that the small pox came through the country.

James William Turley - 2

- Q How long ago? A It has been 18 years I think.
- Q Is the child the child of your present wife or of your former wife? A Of my present wife.
- Q Your present wife was never married except to you? A No, sir.
- Q Give me the name of the child? A William Bryan Turley.
- Q How old is that child? A Two years old the 2nd of September.
- Q What was the full name of your first wife's former husband? A Charley Hendricks.
- Q How long has your wife been married to Hendricks; you think she wasn't married to Hendricks in 1880? A No, I am satisfied she wasn't.
- Q You are sure she wasn't married to anyone before she married Hendricks? A I don't know, you might find her name registered as Skiateok.
- Q Why as Skiateok? A I think they were married on something like that.
- Q You said just now she had never been married except to Hendricks? A I don't think she was, but I think she lived with a man named Skiateok, and he might have registered her that way.
- Q That the first man she ever lived with? A I think so; I don't know very much about her; she had a brother at Catonsa, George Cochran.
- Q What do you know of her relations to this man Skiateok? I don't know much of anything except just what I have heard; I didn't know anything personally at all.
- Q That they lived together before she married Hendricks? A Yes, sir.
- Q Did she have any children by this man Skiateok? A I think not.
- Q Did she ever have any children? A Yes, she had some children but they were all born dead I think.
- Q Do you know Skiateok's full name; you don't know of any other name except just Skiateok? A No, sir, that is all I know.
- (Mary Turley on 1880 roll, page 113, No. 1459, Mary Hendricks, Cooweescoowee district; on 1896 roll, page 272, No. 4904, Cooweescoowee district. James W. Turley on 1896 roll, page 338, No. 999, Cooweescoowee district.)
- Q Do you know whether your wife ever got a divorce from that man Skiateok? A Well, sir, I don't know, I don't believe they were married from what I heard.
- Q It depends on what constitutes marriage? A I don't know how it was; he was dead anyway when I married her.
- Q You have positive knowledge of that? A Yes, sir, both of her former husbands were dead.
- Q When did you marry your present wife? A I forget the date, I have got the certificate here; in February, 1896.

The applicant applies for the enrollment of himself, his wife and one child. His present wife is identified on the rolls of 1880 and 1896 as a native Cherokee, she has lived in the Cherokee Nation all her life, and she will be listed for enrollment as a Cherokee by blood. When a certificate of birth is supplied to the Commission of her child, named in the testimony, this child also will be listed for enrollment as a Cherokee by blood.

The applicant is shown to have married his first wife in accordance with Cherokee law in 1884. He states that she had been previously married to a man named Hendricks, and possibly maintained marriage relations with another man, both of whom, however, were dead when he married her. She is not identified on the roll of 1880, and she died previous to the making of the roll of 1896. The applicant's second and present wife is, as shown, a Cherokee by blood, and he is identified with her on the roll of 1896. To await identification of his first wife as a Cherokee by blood, the application for his own enrollment will at this time be placed upon a doubtful card, he being classed as a Cherokee by intermarriage. His second marriage was in February, 1896.

James William Jones -

James C. Jones, Esq., says that as stated to the Commission to the effect that he correctly reviewed the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

James C. Jones

Sworn to and subscribed before me this the 25th of October, 1900.

W. H. McNeill

Commissioner

9709
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 26 1900

[Handwritten signature]
SPECIAL AGENT IN CHARGE

0005

COOWEESCOOWEE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION

34
Name James W. Turley,
District COOWEESCOOWEE.

Date OCT 9 1900 1900.
Tulsa
Year 1896 Page 326 No. 999

Citizen by blood no Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage (1894) (1896)

License Certificate

Wife's name Subtitled

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

As attaining the identity of former wife
on 11th Dec

Supplemental--D.709.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Claremore, I.T. October 26th, 1900.

SUPPLEMENTAL PROCEEDINGS IN THE MATTER OF THE APPLICATION OF JAMES W. TURLEY FOR THE ENROLLMENT OF HIMSELF AS A CHEROKEE CITIZEN. ON D CARD 709.

The said James W. Turley, having been heretofore sworn by Commissioner C. R. Brockbridge, and now appearing again before the said commissioner, testified as follows:

Q Mr. Turley, you were desired to procure information that would lead to the identification of your former wife on the 1880 roll. A Yes, sir.

Q As I understand you, you are of the opinion now that through neglect her name was omitted from that roll? A Yes, sir.

Q But you say that her brothers Chick and George W. Cochran are on that roll? A Yes, sir.

Q Her mother was dead at that time, I believe.

A Well, I don't know about her mother and father. I couldn't say as to that.

Q The mother and father are somewhat obscure to you? A Yes, sir.

Q She was an orphan, was she? A I think so.

Q Was she a full blood Indian? A She claimed to be. I don't think she was though.

1880 Roll, page 85, No. 650, Chick Cochran, Cooweescoowee District.

1880 Roll, page 239, No. 608, Geo. W. Cockram, Delaware District.

THE COMMISSIONER: It appears evidence that the applicant's first wife was omitted from the roll of 1880 through neglect, her two brothers being identified on that roll, and there appearing no evidence why she should not be there with them. Her brother George has already been admitted to enrollment on card No. 4874, as a full blood Cherokee. The applicant states that his first wife claimed to be a full blood, though in his own opinion she was not quite a full blood.

As shown by the first evidence in this application the applicant was admitted to enrollment in 1896. This appears to complete the evidence necessary in the applicant's application for his own enrollment. This will be supplied as supplemental testimony in his case, carded D.709, and when reached in its regular order, in the absence of any contradictory evidence, he will be enrolled as a Cherokee by intermarriage.

-----o-----
The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 26th day of October A.D. 1900.

[Signature]
Commissioner.

R

C. D-709

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 7, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
James W. Turley for the enrollment of himself as a Cherokee citizen.

Appearances:

W. W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 17, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the 7th day of March, 1902. And that on said date he might appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any additional testimony affecting his application. Receipt has been acknowledged of the Commission's letter, and the applicant having this day, to-wit: the 7th day of March, 1902, been called three times and failing to respond either in person or by attorney, it is considered that this case is completed and same is ordered reported to the Commission for final decision based upon the evidence now of record.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M. D. Green

19709.

51 1902

James W. Turley

13

Cherokee Nation

The address

Quincy

Ind

January 24, 1874.

My dear Sir,
I have the honor to acknowledge the receipt of your letter of the 20th inst. in relation to the proposed bill for the relief of the citizens of the District of Columbia.

John A. Thompson	Secretary
John A. Thompson	Secretary
John A. Thompson	Secretary
John A. Thompson	Secretary
John A. Thompson	Secretary
John A. Thompson	Secretary

I have the honor to acknowledge the receipt of your letter of the 20th inst. in relation to the proposed bill for the relief of the citizens of the District of Columbia.

I have the honor to acknowledge the receipt of your letter of the 20th inst. in relation to the proposed bill for the relief of the citizens of the District of Columbia.

I have the honor to acknowledge the receipt of your letter of the 20th inst. in relation to the proposed bill for the relief of the citizens of the District of Columbia.

1841

Certificate of Marriage.

United States of America

Indian Territory

Cherokee Nation

I, H.P. Jones a minister of the Gospel ordained by the Second
Bellevue Baptist Church, do hereby certify that on the 3d. day of
February A.D. 1896, I did duly and according to law as commanded
celebrate the rite and publish the bans of matrimony between James
W. Turley and Mary Hendricks both of Tulsa, Ind. Ter.

Witness my hand the 3d. day of February 1896

H. P. Jones

My credentials are recorded at Muskogee I.T.

I hereby certify that the above is a true and correct copy of the
original.

Recorded this March 26th. 1896

Joe H. Lahay, Clerk of Coconino District

By Fred McDaniel

Dep. Clk.

Jan. 12th. 1894. Marriage license issued to ~~James Turley~~
James Turley a U.S. citizen to Mrs. Alma Hendrix a Cherokee cit-

izen. The following citizens signed his petition.

Jack Rogers
Mary Rogers
Jennie Weaver
R.H. Brown
Jennie Lloyd

Wm. J. Twist
Wm. G. Twist
Wm. Burgess
Geo. Cochran
Wm. Ofield
Hattie H. Prady

Marriage ceremony performed by Joe H. Lahay, Clerk Coconino
District on Jan. 12th. 1894.

Recorded by Joe H. Lahay, Clerk Coconino District.

Executive Department, Cherokee Nation, Tahlequah, I.T. June 1, 1902

I hereby certify that the foregoing is a true and correct copy
of the record as the same appears recorded and filed in this office
said records being in my legal custody.

Given on this the 10th., day of June 1902.

J. T. Parks.
Executive Secretary.

Q. Are you still living together as husband and wife? A. Yes.
 Q. Lived together as husband and wife ever since you were married?
 A. Yes, sir.
 Q. Ever separated? A. No, sir.
 Q. How long have you lived in the Cherokee Nation? A. I came here in 1891.
 Q. Lived here all the time in the Cherokee Nation since 1891?
 A. Yes, sir; all the time.
 Q. Living here on the first of September, 1902? A. Yes, sir.
 Q. And on June 28th, 1898? A. Yes, sir.
 Q. How long has your present wife lived in the Cherokee Nation?
 A. She was born here.
 Q. Lived here all her life? A. Yes, sir.
 Q. How long did your first wife live here? A. She lived all her life to, I think.
 Q. You have never been married except to these two Cherokee women? A. No, sir.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 10th day of October, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 9th, 1902.

In the matter of the application of James W. Turley for the enrollment of himself as a citizen by intermarriage of the Cherokee nation.

Appearances:

Applicant appears in person.
Cherokee nation by W. W. Hastings.

Supplemental to D-709.

JAMES W. TURLEY, being duly sworn, testified as follows:--

Examination by the Commission.

- Q. What is your name? A. James W. Turley.
Q. What is your age? A. 36.
Q. What is your post office address? A. Tulsa, Indian Territory.
Q. Do you apply before the commission for enrollment as a citizen by intermarriage of the Cherokee nation? A. Yes, sir.
Q. When were you married? A. I believe it was January 4th. Under the Cherokee laws, you mean, don't you?
Q. Yes. A. I was married twice. I have forgotten. I sent my marriage certificate down here.
Q. Where were you living with the time you married? A. I was living about five miles northeast of Tulsa, Cherokee nation.
Q. Was that the second time or first time? A. Well, both times. I have been living there ever since I been in the territory.

It appears from a certified copy of the marriage license and certificate that the applicant and Mary Hendrix were united in matrimony on the 3rd day of February, 1896.

- Q. How long had you been living in the Cherokee nation prior to your marriage? A. That is my second wife there.
Q. That is the marriage I am asking about? A. I came here in 1892, I think. January 1st, I think it was, 1892.
Q. Were both your wives citizens? A. Yes, sir.
Q. Where have you been living since 1892? A. About four and a half or five miles northeast of Tulsa.
Q. Have you ever made your home outside of the Indian Territory since 1892? A. No, sir.
Q. Have you ever been out of the territory during that time?
Q. I was at Fort Smith once as a witness. That is the only time I have ever been out.
Q. That was through business? A. Yes, sir.
Q. You are living in the nation at this time? A. Yes, sir.

Jesse G. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 11th day of July, 1902.

Jesse G. Carr
Notary Public

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, September 30th, 1902.

In the matter of the application of James W. Turley for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-709.

Appearances:

Applicant appears in person.
J. C. Starr for Cherokee Nation.

JAMES W. TURLEY, being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. James W. Turley.
- Q. What is your age? A. I will be 36, I was 36 last June; 5th day of last June.
- Q. What is your post office? A. Tulsa, Creek Nation.
- Q. Are you the same James W. Turley that applied to the Commission on October 26th, 1900, for enrollment as an intermarried citizen?
- A. Yes, sir.
- Q. What is your wife's name? A. Mary Turley.
- Q. Is she a citizen by blood? A. Yes, sir.
- Q. When were you and she married? A. I forget the date. It was 6 years ago I think. In February.
- Q. About 1896? A. Yes, I think so.
- Q. Were you ever married prior to your marriage to her? A. Yes, sir.
- Q. How many times had you been married before you married this woman? A. Just once.
- Q. What was your first wife's name? A. When I married her name was Eliza Hendricks.
- Q. Citizen by blood? A. Yes, sir.
- Q. Were you married under a Cherokee license to your first wife?
- A. Yes, sir.
- Q. Had she been married before she was married to you?
- A. Yes, sir; twice, I think.
- Q. Were both her former husbands dead? A. Both were dead, yes, sir.
- Q. Before you married her? A. Yes, sir.
- Q. Is she living or dead? A. Dead.
- Q. Did you file your license with the Commission when you made application? A. Yes, sir.
- Q. Did you and your first wife live together from the time you were married continuously until the time she died? A. Yes, sir.
- Q. Never had separated? A. No, sir.
- Q. Since her death you married again? A. Yes, sir.
- Q. What is the name of your second wife? A. Mary Hendricks before I married her. Mary Turley now.
- Q. Is she a Cherokee by blood? A. Yes, sir.
- Q. Did you marry her under a Cherokee license? A. No, sir.
- Q. You see I was supposed to be a citizen. I was married according to the Cherokee.
- Q. The last time you didn't take out any license; married just as one Indian marries another? A. Yes, sir.
- Q. When were you married to your present wife? A. Well, It is about six years. I disremember the dates.

Q. Are you still living together as husband and wife? A. Yes, sir.
Q. Lived together as husband and wife ever since you were married?
A. Yes, sir.
Q. Ever separate? A. No, sir.
Q. How long have you lived in the Cherokee Nation? A. I came here in 1891.
Q. Lived here all the time in the Cherokee Nation since 1891?
A. Yes, sir; all the time.
Q. Living here on the first of September, 1902? A. Yes, sir.
A. And on June 28th, 1898? A. Yes, sir.
Q. How long has your present wife lived in the Cherokee Nation?
A. She was born here.
Q. Lived here all her life? A. Yes, sir.
Q. How long did your first wife live here? A. She lived all here all her life to, I think.
Q. You have never been married except to these two Cherokee women? A. No, sir.

Jesse G. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 10th day of October, 1902.

Jesse G. Carr
B. G. Jones
Notary Public.

Jany. 12th. 1894. Marriage license issued to James Turley a U.S. citizen to Mrs. Alsa Hendrix a Cherokee citizen. The following citizens signed his petition.

Jack Bugess, Wm. J. Twist
Mary Bugess, Wm. Q. Twist
Jennie Weaver Wm. Bugess

R.H. Brown Geo. Cochran
Jennie Lloyd Wm. Orfield
Hattie H. Brady.

Marriage ceremony performed by Joe M. Lahay, Clerk Cooweescoowee District on Jany. 12th 1894.

Recorded by Joe M. Lahay, Clerk Cooweescoowee District.

Executive Department, Cherokee Nation, Tahlequah I.T. June 10, 1902.

I hereby certify that the foregoing is a true and correct copy of the record as the same appears recorded and filed in this office said records being in my legal custody.

Given on this the 10th day of June, 1902.

J.T. Parks,
Executive Secretary.

(SEAL)

Certificate of Marriage.

United States of America
Indian Territory
Cherokee Nation.

I, H.F. Jones, a minister of the Gospel ordained by the Second Delaware Baptist Church, do hereby certify that on the 3rd day of February A.D. 1896, I did duly and according to law as commanded solemnize the rite and publish the bans of matrimony between James W. Turley and Mary Hendricks, both of Tulsa, Ind. Ter.

Witness my hand the 3d day of February 1896.

H.F. Jones.

My credentials are recorded at Muskogee, I. Y.

I hereby certify that the above is a true and correct copy of the original.

Recorded this March 20th, 1896.

Joe M. Lahay, Clerk of Cooweescoowee District.

DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., July 30, 1902.

I, C.L. Mielenz, a stenographer to the Commission to the Five Civilized Tribes do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for the enrollment of James W. Turley as a Cherokee citizen.

C. L. Mielenz

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of JAMES W. TURLEY for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on October 26, 1900, James W. Turley appeared before the Commission at Claremore, Indian Territory, and made application for his enrollment, among others, as a citizen by intermarriage of the Cherokee Nation. The other parties to the application are differently classified, and are not embraced in this decision. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 9, 1902, and again on September 30, 1902.

The evidence shows that said James W. Turley was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation, on January 12, 1894, to Mrs. Alsa Hendrix. The evidence further shows that the said Alsa Hendrix was a Cherokee Indian; that she lived all her life in the Cherokee Nation; and that, while her name is not on the authenticated tribal roll of 1880, her brother and sister are on that roll as Cherokees by blood. She died about 1895. It further appears that James W. Turley is identified on the Cherokee Census Roll of 1896.

The evidence further shows that James W. Turley has resided continuously in the Cherokee Nation since 1892, and was a resident thereof on September 1, 1902.

Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495) provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

Section 666 of the Compiled Laws of the Cherokee Nation (1892) is as follows:

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease".

The evidence in this case shows that the applicant acquired rights of Cherokee citizenship through intermarriage with his first wife, Alsa Hendrix, and that subsequent to her death he married his present wife, Mary, a Cherokee citizen by blood.

It is, therefore, the opinion of this Commission that James W. Turley should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.

Muskogee, Indian Territory,
this _____



Commissioner.

Department of the Interior, Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977	Millie Morton	1554
Bettie Mitchell	985	Andrew Walters	1573
John J. Harrison	993	John H. Holder	1610
Jasper N. Bateman	1029	Mary M. Burr	1612
Susan Ballard	1065	Thomas E. Bonham	1644
Lucy Eva Simmons	1073	Florence Headrick	1663
Ellen Thornton	1089	Daisy B. Brewer	1709
Sarah E. Hair	1090	Annie Cordrey	1717
Norman S. Drake	1092	Adam Eckert	1722
Susan Hogg	1094	Isaac Timmons	1726
David L. Scott	1099	Gent Gibson	1727
James C. Taylor	1111	Amos Anderson	1731
Roxie Shepard	1128	William J. Mounts	1734
Robert G. Elgin	1136	James D. Alexander	1745
William Hall	1137	Willis E. Miles	1769
Mary Ella Lattimore	1141	Lora Adair	1781
Maggie J. Keys	1149	John Yarborough	1796
Joseph M. Correll	1177	Lillie M. Dassler	1802
Jane Ratley	1225	Bryant C. Redington	1804
George E. Norton	1234	Malisa A. Maxwell	1808
Mahala D. Thompson	1247	Richard Dukes	1811
Charles M. Trammel	1264	Fannie Pettit	1816
Flora Carlile	1265	Genevia Pool	1817
William H. Norrid	1275	Mollie Crossland	1822
Olivia Bengé	1276	Lizzie Bengé	1828
Dollie Wilson	1278	John H. Welty	1847
Moses Bell	1279	Edward P. White	1884
Sarah Fleetwood	1290	Lauren P. Green	1887
Rosa E. Fargo	1299	Charles Rosser	1898
William M. Oliver	1333	Fay Adair	1913
Andrew J. Couch	1340	Henrietta Irving	1920
Lina Hyles	1347	Bird Trippard	1925
Mary M. Miller	1350	John C. Carlile	1937
Mary E. Taylor	1368	John W. Gilstrap	1954
Polly Ann Bengé	1369	Sarah Young	2018
Margaret Moton	1385	Nancy A. Coleman	2049
Minnie McKinney	1390	James N. Whisenhunt	2118
Nettie Seabolt	1418	Hiram Stephens	2157
Lawrence G. Faulkner	1433	Asa L. Guinn	2159
Sarah A. Holt	1449	Rebecca J. Flying	2172
Jennette Pelecat	1492	Thomas J. Measles	2192
Ellen Seabolt	1508	Julia Coody	2215
Charles W. Nettles	1509	Sarah Crutchfield	2224
Lena Sittingdown	1511	Henry E. Lee	2251
Tim Creeden	1513	Sarah Gritts	2256
Odie Pidcock	1517	John A. Madden	2261
Silas A. Saterfield	1529	Henry C. Pennel	2271
Laura J. Jeremiah	1530	Matilda S. Cleland	2302
Etta Hicks	1540	Dona A. Frazier	2312
Mary A. B. McKinney	1550	Laura B. Cordrey	2320

Lafayette D. Kindred	2328	William A. J. Trotter	3257
Pearl V. Sisson	2330	Albert P. Goforth	3298
Nancy J. Sevier	2380	Anna B. Martin	3307
Mollie Hair	2385	William Brown	3344
Dora Sayers	2474	Jennie B. Bluejacket	3345
William T. Jones	2501	William Little	3377
Sarah L. Martin	2502	Julia M. A. Russell	3386
William J. Shoemaker	2506	Andrew J. Smith	3393
Maud Baldrige	2511	William N. Blakemore	3396
James L. Townsend	2513	Lizzie Denton	3417
George L. Morgan	2568	Belle Hudson	3435
Andrew A. Brown	2575	Thomas S. Heady	3437
Louis K. Fair	2623	William M. Roseborough	3444
James L. Mitchell	2644	Madison G. Hawkins	3467
Martha E. McNair	2659	Japhat F. Ellis	3491
Millard F. Eggleston	2668	Emma McAffrey	3543
Elisha M. Gray	2686	William T. Huitt	3570
Jessie M. Ballard	2694	Myra F. Chouteau	3580
Annie Mayes	2798	Phillip Donohoo	3581
Belle Sixkiller	2809	Fred L. Kelley	3593
James P. Riley	2825	Annie Herod	3594
William Broadbudd	2854	Maggie V. Fields	3615
William A. Martin	2865	Lou Payne	3616
Joseph Q. Buchanan	2888	Frederick W. Strout	3692
Marcellus L. Baker	2905	Andrew L. McCamish	3713
Etta M. Hill	2915	Sarah Dirthrower	3731
John R. Smith	2922	William P. Coble	3758
Ira W. Wallen	2926	Robert L. Madison	3761
John B. Laurence	2959	Mariah McDowell	3795
Lula O. Hitchcock	2961	Elizabeth R. Thornton	3811
Bell L. Muskrat	2975	Donithan A. Wilson	3841
Eliza O'Field	2977	Charles F. Covey	3868
Margaret Suagee	2993	Tamsey M. Williams	3886
Winfield S. Nance	3007	Mary J. Wolfe	3889
Benjamin F. Kelley	3010	Lathan Lumbard	3891
Mollie Daugherty	3039	Micajah P. Haynes	3897
Charles H. Leatherman	3043	Annie L. Wingfield	3903
Alice A. Edwards	3100	Mary Fields	3907
Dorinda Adair	3106	William W. Dudley	3944
William R. Gray	3118	Minnie M. McLaughlin	3950
Dora B. Caulk	3143	Henry B. Lindsey	3978
Jesse M. Gallman	3161	Wilbert H. Parkison	3999
Martha E. Garrett	3162	Seth R. Hall	4011
Artie E. Large	3164	Wiley Hanna	4016
Andrew A. Kelley	3191	Martha M. Woods	4093
Anna B. Ryne	3193	Lizzie Gray	4117
Eliza Henderson	3198	Nancy C. Carey	4131
David E. Jenkins	3212	Annie E. Kenney	4165
Lizzie Falling	3233	William H. Ward	4169
Robert L. Payne	3252	Nannie Brewer	4189

Nancy J. Kinney	4225
Sydney E. Bell	4232
Isaac H. Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R. Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T. Morrison	4294
Perley Israel	4295
William A. Long	4304
Mollie Swannock	4319
Frances Guess	4324
Allen H. Gibson	4327
John McFall Jr.	4343
Albert W. Fitzsimmons	4360
George S. Ford	4386
Quinn Carr	4387
William A. Powell	4390
Austin Hasley	4400
Anna Bible	4414
Elizabeth Riley	4428
John P. Sudderth	4449
Anderson Keen	4450
Ida M. Adams	4451
Martha J. Randall	4457
Mollie Conner	4477
Jane McGhee	4491
Jennie Riley	4525
Hannah Randall	4528
Charles W. Childers	4542
Nannie B. Riley	4543
John W. McDaniel	4544
Minnie Armstrong	4548
Ada Chouteau	4549
Mary Thompson	4571
Ota Armstrong	4593
Mary Spencer	4594
Clarkson F. Woody	4603
James M. McConnell	4604
Annie E. Coker	4605
Jennie Long	4606
Julia Gilstrap	4607
Laura E. Smith	4608
Annie Nicholas	4609
Minnie R. Taylor	4611
Mary E. Rogers	4614
Emma Downing	4615
William Steere	4619

Roxie J. Ketchum	4623
Lizzie Love	4626
Robert K. Wann	4632
Frederick Metzner	4633
John C. Bratcher	4634
Pigrow L. Jones	4641
Ada Berthoff	4642
Alice Robbins	4644
Jane Dougherty	4649
Samuel Francis	4650
Clemson C. Peck	4652
Mont C. Frazier	4653
Frank J. Mayberry	4656
Charles W. Moore	4660
Jefferson D. Edmondson	4661
Alonzo H. Boone	4662
Thomas C. Mock	4668
Sallie Allison	4669
Elizabeth E. Burgess	4671
LaFayette Breeden	4673
James M. Boling	4676
Francis A. Neilson	4681
John F. Smith	4689
Rufus S. Steward	4691
John I. Haddock	4694
Maggie O. Walkley	4695
George W. Talbert	4698
Mary Miller	4700
Henry C. White	4707
Mattie E. Hill	4760
Alice A. Bible	4772
Katie Coker	4785
John Creek	4801
Ruby R. Bean	4804
William J. Dodson	4836
Blackburn Reed	4882
Viola Lowther	4891
William B. Ritchson	4910
Henry D. McDonald	4950
Della McDaniel	4956
Dorothy Rattlinggourd	4991
Ida McCay	5093
Henry M. Lyon	5100
Alice J. Wofford	5101
Nancy Morris	5137
Ella Sullivan	5140
Winfield Williams	5144
Bessie M. Smith	5145
May Humphrey	5207
Donnie Burgess	5235

Nora B. Burgess	5236	William A. Polson	5613
John E. Etter	5239	Paulina P. Pitcher	5614
Harriette Rogers	5240	Charley Headrick	5615
Amanda Foreman	5244	William N. Stinson	5616
William H. Wells	5261	Lenora A. Henry	5621
John T. Gaylor	5266	Effie M. Adams	5622
Annie Sweeten	5269	John H. Shimp	5624
Rosalee Hendricks	5278	Thomas B. Dickson	5625
Emma Chambers	5328	Minnie Henry	5628
James H. Thomas	5329	Thomas J. Simpson	5629
Melville B. Baird	5332	Cap L. Lane	5630
James R. Goodall	5356	Reuben E. DeLozier	5631
Charles Horton	5390	John Heape	5640
James W. Goddard	5417	Perry G. Brock	5645
Dora Cox	5425	Mary J. Newcomb	5650
Nannie G. Alberty	5438	George W. Seigel	5660
Sallie Ward	5455	Martha A. Parks	5666
William H. Sutherland	5484	Zelda C. Mills	5674
Lizzie Hall	5487	Lizzie Rogers	5675
Cyrus B. Essex	5489	Emma Pigeon	5676
Edda Taylor	5493	Nellie Bluejacket	5677
Laura Taylor	5494	Lucy Bacon	5679
Electer D. Miller	5496	Thomas B. Wood	5681
Emberson M. Arnold	5498	Asa W. Simerson	5683
Stella Henry	5499	William J. Kuhn	5686
William E. Oneal	5506	Elsie Couch	5688
John M. Sharp	5509	William H. Robinson	5692
John L. Davis	5514	Rachel Washington	5693
Sarah E. Downing	5518	Isaiah B. Blackwood	5700
Samantha C. Glass	5524	John R. Johnson	5701
Harry Jones	5525	Dennis W. Smith	5702
Aggie Paris	5532	William H. Chesnut	5705
James W. Hallford	5535	William H. Durham	5707
Phoebe Coker	5537	Albert B. Buckmaster	5710
Anthony K. Douglas	5538	Maud Crutchfield	5730
Joseph H. Johnson	5541	Joseph S. Layne	5731
Harvey O. Riggs	5547	Lena Bell	5737
Alice Glass	5553	Juan N. Corn	5748
Addison Reeves	5566	Robert N. Crafton	5750
Alice Coats	5572	Benjamin F. Coffee	5756
Julia Kidd	5575	Frank McSpadden	5760
William R. Greer	5576	Charles D. Pendleton	5775
Rosa M. Sixkiller	5581	Harden H. Green	5776
Nancy Inlow	5587	Emma J. Ward	5778
Daisey H. Owen	5599	Robert C. Fuller	5781
Annie R. C. Owen	5600	Henry F. Extine	5796
Jesse McKnight	5602	Ida Wylly	5802
Cicero J. Strange	5610	Richard L. Fite	5815
Henry Westenbaver	5611	Edward Lutz	5816
Emma H. Roach	5612	John F. Woodworth	5829

Horace H. Huddleston	5832	George C. Duffield	6031
William R. Sartain	5837	Amelia Reese	6033
Joseph A. Lawrence	5843	Alexander West	6036
William H. Hinton	5846	John Tootle	6037
Joseph Lehr	5851	Florence G. Langley	6038
Euin M. Young	5852	John T. Ham	6042
Mary C. Barnes	5853	Mary L. Jordan	6048
Matilda Thompson	5861	John W. Bradshaw	6076
William W. Young	5872	James L. Dean	6079
Earley F. Ellis	5874	Amanda J. Thompson	6082
Rosa B. Alberty	5877	Malissa Hubbard	6089
Sarah Cannon	5879	Jane Benge	6111
Mamie Beck	5887	John D. Ryals	6113
Jack H. Merchant	5888	John C. DeLozier	6117
John D. Merchant	5889	Jessie Willis	6118
Sarah E. Ghormley	5894	Mary A. Clark	6124
Jerry Young	5906	Mary J. Tipton	6126
James H. Brickey	5916	Leander Newton	6136
Mary Hicks	5919	William A. Qualls	6138
George W. Weems	5922	Henderson B. Thomas	6144
Albert Crain	5923	Hugh T. Watkins	6163
James M. Jones	5932	Nancy Keys	6172
Alfred W. Shelly	5935	Berry Hutchins	6186
John M. Stratton	5936	Eli Parker	6189
Waddie Hudson	5937	Sarah E. Shaw	6194
Robert C. Johnson	5939	Julia Keys	6211
Mary T. Thompson	5941	Boon J. Grey	6214
Edith A. Parris	5943	John Grubb	6216
Addie Hubbard	5949	William M. Costephens	6230
John A. Lowry	5962	Jane Bean	6232
John R. W. Brantley	5963	Lillie I. Taylor	6236
James T. Carroll	5964	Abbie B. Adair	6239
Christopher F. Jordan	5965	Mack C. Watkins	6246
Minerva E. Stover	5966	Robert W. Murray	6261
John W. Twilley	5967	John G. Petty	6269
Joseph W. Mounce	5970	Lucinda Poorboy	6279
Cornelius P. Potter	5971	Sarah Mayes	6286
Amanda C. Thompson	5972	Henry W. Pyeatt	6300
John M. Rusk	5976	Isaac A. Wilson	6308
Harrison L. Hughes	5978	John T. Hall	6310
Silas B. Dildine	5983	Edward L. King	6315
Lewis M. Payne	5985	Katie Still	6325
Nancy Beamer	5988	Emmer Carlile	6338
Sarah F. Selvidge	6002	Bird Webster	6347
Posy F. Buckner	6005	Fannie Morris	6353
John A. Moreland	6010	Leonard Lee	6357
Alice Welch	6015	James R. Miller	6362
Mary C. Thompson	6022	James Brackett	6370
Ida Beck	6029	Nora Allen	6371
William R. Tittle	6030	John T. Washington	6373

James J. Snider	6375	James L. Lee	6717
William H. Winget	6376	Rosa Phillips	6723
Ida R. Wilkerson	6383	Kate Brown	6735
George A. McBride	6385	Laura B. Barnett	6743
Matilda Cookson	6387	Elizabeth Sanders	6745
William A. Fisk	6392	William T. Neff	6747
William O. Ames	6394	William R. Scott	6751
Thomas Wilkerson	6396	Laura Fish	6770
Alice C. Springston	6407	Maggie Ketcher	6779
Fanny N. Witt	6413	Dora A. McDonald	6783
Lillie M. Adair	6424	Rosie B. Willis	6785
Mark F. Matheson	6428	Daniel Hubbard	6787
Ida L. Wilson	6431	Mary R. Tadpole	6801
George E. Marrs	6441	Magnus A. McSpadden	6811
Ulysses S. Reeves	6443	Sarah F. Pathkiller	6824
Daniel A. Smith	6447	Clara Twist	6845
Henry J. Dawson	6450	Mattie M. Welch	6846
Sarah Adair	6452	Cora Griffin	6850
Ida F. Wilson	6455	John S. Hyatt	6853
Mary E. Taylor	6459	Jefferson K. Tynes	6855
Catherine Henson	6468	Flora R. Miller	6859
Charles C. Fitzsimmons	6471	Lizzie Craig	6872
Mary E. Campbell	6476	Jacob C. Johnson	6876
Columbus N. Long	6478	George W. Ware	6897
Mary Wilkerson	6480	James B. Deatherage	6901
Myrtle Ward	6484	Lucinda F. Hartness	6943
Belle Manus	6499	Frances E. Tehee	6961
Martha E. McLain	6508	James M. Burt	6965
Mary A. Brown	6517	Rady Tipton	6975
Marion M. Ballew	6530	Laura Hendricks	6976
Mellie Mayfield	6540	Laura V. Smith	6979
Sarah Blevins	6541	Lorenzo C. Darnell	6988
Frank Powell	6542	Robert M. Mitchell	7004
Georgia Jackson	6546	William Henry Reeve	7005
Leonard S. Simpson	6549	James Pyle	7009
Almira Ussrey	6560	Willie Hilderbrand	7015
James McInerney	6561	Alice M. Roberson	7031
Fannie Carlile	6578	Charles Morris	7043
Sadie A. Mayfield	6580	Minerva J. Trent	7051
Silas A. Bryan	6581	John H. Keith	7078
William S. Martin	6585	Katie E. Ratley	7080
Emma J. Thompson	6589	Etta Patrick	7081
Lydia McDaniel	6593	Nannie Martin	7090
David W. Lamb	6595	Rosa B. Harris	7094
Gus R. Hart	6603	Samuel Brown	7100
Poea Phillips	6632	William H. Turner	7101
Lois E. Daniel	6678	Florence Mayes	7104
William W. Turner	6689	Maggie McCoy	7112
Lillie B. Blackstone	6711	Mary Belle Cordry	7113
Mary Lillard	6715	Benjamin Haner	7119

James Maher	7128	Robert B. Collins	7556
Terry A. Parkinson	7146	Nancy I. Brown	7579
Cora L. Hanks	7147	Mary B. Walkingstick	7642
Otto J. Zufall	7149	Robert T. Kelleam	7653
Rufus M. Norman	7155	Mollie Morton	7797
Mary F. Foreman	7158	Mattie Girty	8006
Alma West	7159	Mack Alfred	8015
James M. Connally	7161	Ida Harmon	8016
Francis M. Crowell	7163	Ida McCoy	8417
Fannie E. McClure	7171	Rosie Foreman	8903
Benjamin B. Graham	7176	Annie Jackson	9034
Ada Phariss	7180	Margaret T. Langley	9092
William L. Whisenhunt	7184	Ida M. Davis	9266
Frances B. Perry	7191	Nora Crapo	9289
Philip Shultz	7210	Margaret Harmon	9378
Hester A. Miller	7212	Mary B. Langley	9438
Minnie B. Edmonds	7213	Ella Gravitt	9439
Eliza Jordan	7217	William M. Wilson	9444
William T. Ross	7218	David O. Scott	9446
Thomas M. Price	7225	Harriett Forbes	9447
James G. Wilson	7231	John Carver	9449
Frank Rhomar	7263	Thomas J. Davis	9451
John W. Thompson	7267	Clara M. Boudinot	9453
Melissa Booth	7271	Mary E. Keys	9454
Solon L. Jackson	7273	John G. Ainsworth	9456
Henry W. Coughran	7282	Mary J. Christy	9460
Sarah Ross	7291	Malinda Seabolt	9462
Mary S. Smith	7322	Mary Cumpton	9464
John A. Martin	7323	Mollie P. Mulkey	9465
Myrtle Robinson	7330	Andrew Brimmer	9467
Allen L. Buckner	7331	James F. Flippin	9471
James L. Goad	7350	William Bird	9473
Elijah Johnson	7351	Mollie C. Forbes	9476
Mary E. Kimbrough	7360	William H. Thomason	9478
Jennie Burr	7367	Mollie Devine	9481
Kiasay Sapsucker	7378	Mary P. Guthrie	9482
Sarah J. Johnson	7394	Detlev N. Leerskov	9484
William I. Branan	7409	Nannie Cowart	9485
Wyatte T. Brady	7412	Leona Catcher	9489
Lena O. Holderman	7413	Alexander B. Clapp	9502
Mary F. Hummingbird	7420	Tennie Sanders	9503
Bertha A. Allen	7425	Virgil A. Wiltshire	9505
Robert J. Tyner	7426	Joshua K. Carr	9510
Fannie B. Martin	7434	Herbert Kneeland	9518
Myrtle Wolfe	7435	Hugh E. Hope	9519
Mary Blevins	7479	Thomas J. Ritter	9522
Sarah Ketcher	7488	Martha Baldrige	9529
Charles D. England	7512	James R. Poindexter	9535
May Cochran	7544	Maud Foreman	9539
Rebecca Oglesby	7549	Belle Bryant	9542

Joseph P. Smith	9550	William G. Brown	9879
George E. Watkins	9552	John B. Delay	9881
Florence Henry	9553	Pairlee Thompson	9882
Jesse H. Johnson	9560	Guenther W. Werther	9883
Lydia B. Barger	9561	Margaret Crittenden	9884
Mary Jane Thomas	9562	Moses L. Morris	9889
James F. Petty	9563	Sarah L. Rogers	9891
Laura McCrary	9566	Stephen Duncan	9892
Joel D. Smith	9568	Gideon D. Sleeper	9895
William T. Cave	9572	William A. Maddin	9896
William Bugher	9577	John H. Horton	9904
James M. Smith	9582	Howe L. Rogers	9905
John E. Nazworthy	9583	William Rush	9912
Beverly L. Lafon	9587	George W. Edens	9916
Robert L. Gentry	9590	William H. Hall	9920
John C. Barker	9591	Edith B. Pheasant	9935
John P. Greenwood	9593	Carrie A. Collins	9936
Henry Hayes	9596	Lucinda Spriggs	9937
Ella Cornwell	9598	Ella F. Hail	9939
Asa A. Hedrick	9599	John W. Harris	9949
William C. M. Robinson	9600	Hannah Raper	9942
Woodrow Hadley	9612	John J. Coughran	9945
William T. Gregory	9613	Youra F. Waybourn	9946
Charles M. Keys	9616	Louisa J. Taylor	9947
Bate O. Reed	9618	William M. Evans	9948
Joseph E. Feland	9623	William F. Pierce	9940
Florence C. Smith	9625	May F. Chambers	9950
Charles M. Cox	9630	Albert Stevenson	9954
Otis S. Skidmore	9634	Henry Kiefer	9955
William H. Hundley	9635	Sarah Bean	9956
Thomas A. McDonald	9636	Zeno M. Cox	9964
Annie Sanders	9638	Jerusha E. Blair	9965
Mack H. Martin	9640	Elias Kyle	9991
Mary Ward	9653	Ida Cushman	9992
George Givens	9658	James W. Fleming	9994
Pheney Poorboy	9660	Samuel Holmes	9995
Charley Kiper	9671	Walter H. Talley	9997
Andrew J. Snider	9672	Hannah J. Miller	9998
William T. Barton	9684	Clara V. Ward	10002
Daniel Crail	9770	Stephen W. Pittsenberger	10005
Mary M. Motte	9771	Mary E. Palmour	10008
Lecia E. Herrin	9854	William T. Partin	10011
Gailen E. Carriek	9855	Nellie Fields	10013
Rosa B. Barger	9857	Sarah A. Dawes	10015
Rachel Foreman	9858	Willard E. Hutchins	10016
Serepta C. Willis	9861	Jesse Talbert	10020
Virgie Seabolt	9864	Julia E. Setser	10021
Annie Cannon	9867	Amanda E. Howell	10022
Isabella McCoy	9874	Mamie J. Rogers	10023
Robert E. Dry	9875	Nannie Rogers	10024

James B. Bradshaw	10025	Millie A. Carnes	10113
Ida L. White	10026	Lucy E. Robards	10114
Addie B. Miller	10027	Edward H. Fitzgerald	10115
William R. Condry	10028	John T. Pickard	10117
James D. Canary	10029	Charles Rains	10118
John Kelley	10031	Nancy Mayfield	10123
Kate Craig	10033	Anna B. Tittle	10124
John A. Butts	10034	Richard A. Clark	10126
John J. Dameron	10035	Emma B. Martin	10128
William Warner	10036	Walter L. Bates	10129
George A. Allen	10037	Nellie Brewer	10130
Watie Shetley	10038	William Heffernan	10131
John E. Carter	10039	Levi Ackley	10132
John M. Boyd	10043	Bessie Davis	10133
William Fister	10047	Eva Brackett	10135
Darius B. Troth	10049	Caleba Carnes	10136
Harry A. Kelley	10050	Jacksie M. Waybourn	10138
Mary E. Purcell	10051	Minnie Shutt	10139
Myron L. Bronson	10052	Charles L. McClure	10140
George W. Taylor	10053	William W. Russell	10141
Josie Lowther	10054	Delia Jenkins	10142
Fannie D. Perry	10055	John A. Hood	10143
Minnie B. Williams	10056	Oba Maxfield	10145
Solomon Copeland	10058	Mary L. Cloud	10146
Etha B. Wood	10059	Callie Inlow	10147
James Pace	10060	Everett M. Lowrence	10148
Wiley B. McElhanev	10062	Dora E. Hays	10150
Nancy Patrick	10063	Julia M. Schrimsher	10151
James R. Stout	10072	Parmelia E. Lyman	10153
George Parker	10073	Charles F. Trickey	10161
Laura Morton	10074	Louisa J. Palmour	10169
John D. Kelly	10075	George L. Walker	10170
Nettie Swift	10078	Annie Taylor	10171
Maggie Baldrige	10079	Josie Winters Hall	10174
David R. Stubblefield	10080	Alice Nichols	10181
Thomas J. C. Thompson	10081	Lizzie Dry	10182
Cora P. Harlan	10082	Emma Murray	10183
William L. Singleton	10083	Annie Winton	10187
Lester Evans	10084	Marian Evans	10188
Ellen Mayfield	10085	Elizabeth J. McClain	10192
Ella Bray	10087	Eliza J. Price	10199
David J. Matthews	10094	Rissie Still	10200
Thomas Brown	10100	Hannah E. Langley	10201
Houston J. Payne	10103	Alma Keith	10203
Malinda E. Scudder	10104	Flora A. Terrill	10204
Henry Odell	10105	Talesphora A. Paradee	10205
Fred Macy	10107	Samuel Shadix	10206
Mary Russell	10108	Mary E. Childers	10207
Thomas B. Brown	10109	Robert M. Hamilton	10208
Samuel L. Milligan	10111	Julia Billingslea	10209

Nannie Martin	10210	Joseph Reed	D	468
Sarah A. Fields	10214	Adolphus J. Hallum	D	483
Susie Henderson	10216	Alexander Walker	D	490
Charles H. Rienhardt	10218	Albert J. High	D	491
William H. Watkins	10221	America Matoy	D	501
Frank M. Rucker	10222	Moses L. Grazier	D	503
Henry C. Reed	10224	Myrtle Hall	D	509
Laura B. Timberlake	10226	Wallace Thursday	D	544
George A. Brown	10228	Thomas W. Baker	D	546
Drucilla Lowrey	10232	Mattie E. Keys	D	550
Almira Mouse	D 9	William S. Edwards	D	560
Lenora Prather	D 16	Susan L. Reed	D	572
Andrew M. Cooter	D 17	William H. Lyman	D	574
Martin L. Stokes	D 28	Gracia Davis	D	577
Peter Walters	D 44	Edward C. Bolen	D	582
Columbus M. Reeves	D 58	Dora Guthrie	D	585
Sarah Barnes	D 103	Samuel H. Hawkins	D	594
George T. Kiddy	D 108	Lula M. Purcell	D	600
Henry C. Agent	D 139	Ben Estes	D	603
Joseph Phipps	D 147	Thomas M. Reynolds	D	621
Henry Hilton	D 149	Arthur Dodge	D	622
David A. McGlamery	D 161	Carrie L. McNair	D	624
Maggie Doublehead	D 169	Constantine N. Walker	D	641
Annie Lovett	D 180	Joseph Davis	D	648
Nora Hood	D 184	Leander A. Keys	D	650
John A. Johnson	D 232	James J. Barndollar	D	655
Nathaniel G. Simpson	D 242	Nathan J. Brink	D	682
Oncico W. Head	D 244	William S. Miles	D	688
Etta Taylor	D 245	Emma Waybourn	D	698
Susan V. Sullivan	D 262	Dora E. Rogers	D	708
Levi H. Tackett	D 263	James W. Turley	D	709
William H. Connelley	D 264	Lizzie Ward	D	711
Julia A. Sullivan	D 284	Robert J. Holly	D	713
May Fields	D 297	Belle I. Quinton	D	728
Katie Hummingbird	D 308	Francis M. Boothe	D	734
William F. Sager	D 320	Amos W. Lord	D	746
Lovick P. Garrison	D 334	Agnes N. Childers	D	749
Henry Grubb	D 338	John E. Renfrow	D	752
Lucy F. Lacey	D 340	William Coon	D	759
Callie Blevins	D 341	Louis Bruere	D	779
James S. Alfrey	D 355	Georgia A. Waybourn	D	786
Shadrack C. Wallen	D 368	Eliza Fields	D	787
Ada Hall	D 376	William H. Brown	D	788
Jane M. Hicks	D 396	William A. Cox	D	793
Fannie L. Dupree	D 403	Charles A. Robison	D	799
Willis Battles, Jr.	D 404	Artha Williams	D	800
Joshua W. Ellis	D 413	Adam Gearhart	D	806
Nina B. Owen	D 450	Cicero F. Rogers	D	855
John M. Ridenour	D 458	Annie Garrett	D	856
Emery S. Thompson	D 464	George S. Yarborough	D	875

Rhoda A. Sanders	D 878	Ella Vann	D 1320
Manuel Spencer	D 884	Linnie Wofford	D 1330
Benjamin H. Hulbert	D 891	Minnie Downing	D 1332
Mary Brassfield	D 935	Katie Rider	D 1334
James L. Tindle	D 944	Samuel G. Mills	D 1337
Silas G. Reneckar	D 966	Alfred H. Woods	D 1342
Eliza Wofford	D 967	Cynthia Whitekiller	D 1352
Jasper L. Newton	D 971	Susie McSpadden	D 1361
John N. Guinn	D 974	Martha J. Houston	D 1363
Hannah Parson	D 989	Samuel M. Collier	D 1367
Nellie C. Helterbrand	D 1003	Katy Payne	D 1369
Thomas J. Welch, Jr.	D 1006	Joseph H. Warren	D 1375
Lizzie Christian	D 1010	Mattie Miller	D 1433
George Hazlewood	D 1013	S. F. Moore	D 1434
James M. Jones	D 1022	Addie Schrimsher	D 1448
Reuben A. Evans	D 1032	Fannie Vann	D 1458
Carrie H. Cobb	D 1049	Marcella Blakeney	D 1474
John M. Burns	D 1069	G. W. Williamson	D 1555
Sarah E. Henson	D 1083	C. F. Walker	D 1558
Laura D. Henson	D 1086	Louisa Blevins	D 1567
Hettie E. Downing	D 1090	Frank Cowles	D 1581
Benjamin F. Crain	D 1099	Mary Francis Madding	D 1637
Benjamin Strickler	D 1129	Thomas Rodman	D 1661
Nancy Spaniard	D 1130	Katie Still	D 1866
Annie Wilson	D 1131	Ira Creach	D 1913
Ora H. Maxwell	D 1135	D. A. Mounts	D 1967
Reuben W. Moore	D 1136	J. C. Sefton	D 1991
Cora Childs	D 1146	Jennie Holland	D 2024
Janie Hughes	D 1179	Lou Sanders	D 2216
Francis B. Reid	D 1180	Caroline Barnes	D 2591
Martha Carey	D 1195	Lacey Crane	D 2592
Christina Johnson	D 1199	Daisy Cashe	D 2595
Louvenia Ironside	D 1208	Hiram A. Landers	D 2599
Martha J. Henson	D 1218	Charles Neel	D 2603
David A. Martin	D 1228	Mattie Robinson	D 2605
Fred D. McEnery	D 1235	Jennie Rich	D 2606
Nathaniel R. Martin	D 1261	Alexander C. Russell	D 2607
James H. Requa	D 1266	Pricilla Ross	D 2608
Frank Carver	D 1267	Tom W. Reeves	D 2609
Etta B. Payne	D 1270	Mary Smart	D 2612
Mary Garrett	D 1271	Rufus Tidmore	D 2613
Joe W. Goodman	D 1272	Jasper Turquitt	D 2614
Mathew J. Flanigan	D 1274	Mabel West	D 2618
Lizzie C. Holland	D 1285	Ophelia West	D 2619
Etta Downing	D 1291	Cora Whisenant	D 2620
William Caywood	D 1296	Katy Martin	D 2667
Clarence W. Turner	D 1307	Willis Butler	D 2686
Alfred Chaney	D 1313	Claud Barger	D 2687
Euphemia Sweetwater	D 1314	Disie Conner	D 2698
Etta Russell	D 1319	John Culwell	D 2699

Herbert F. Couch	D 2700	Samuel A. Parkhurst	D 2821
Albert C. Dykes	D 2703	Ellen Rogers	D 2822
Delora Drew	D 2704	Elijah Rolland	D 2827
Frank E. Danderson	D 2705	Endora Steele	D 2828
James Gafford	D 2708	William M. Stucker	D 2829
Anna L. Harlin	D 2715	Sallie Tauuneacie	D 2831
William R. Lipsey	D 2717	Mary Tassle	D 2832
Bertha Landrum	D 2718	John F. Wolf	D 2835
Lila More	D 2722	Ruth A. Ward	D 2840
John D. Mathews	D 2723	Winnie Daugherty	D 2884
Mary McIntosh	D 2725	Mary Guthrie	D 2885
Bertha Nidiffer	D 2730	Lydia Long	D 2886
Richard Nichols	D 2731	Edda Roberts	D 2887
William S. Ross	D 2738	Manda Ward	D 2889
Irene Riley	D 2789	Elmira J. Alberty	D 2905
William H. Rowley	D 2740	Thomas C. Cordray	D 2906
Colombus C. Scroggins	D 2741	Edward Fowler	D 2907
Della Summers	D 2743	Dora Foreman	D 2908
William S. Sage	D 2744	Parker Holt	D 2909
Eliza Thomas	D 2748	John Haston	D 2910
John P. Thurman	D 2749	Georgie Harlin	D 2911
Mary E. Davis	D 2770	Percillia Johnson	D 2913
Jessie Frick	D 2774	Bettie Morton	D 2915
Enna Buffington	D 2788	Samantha Spade	D 2917
Will Black	D 2789	Mariah Ward	D 2918
Maggie E. Davis	D 2792	Ellen Watt	D 2919
Thomas Dotts	D 2793	Nora Morten	D 2920
William Daws	D 2794	Lizzie Anderson	D 2981
Nancy Dawson	D 2796	Francis Duval	D 2984
Lena Fields	D 2797	Wade S. Hayes	D 2987
Eddie Grayham	D 2798	James A. Hankins	D 2988
Alice C. Hill	D 2799	Joseph Hardee	D 2991
Bertha H. Harlin	D 2800	Tennie Horn	D 2992
Margrett C. Hudson	D 2801	Eveline Hall	D 2993
Joseph A. Kelley	D 2803	John E. Leftwich	D 2995
Andrew O. Kepler	D 2804	Mattie Henson	D 2994
Josephine King	D 2805	John D. Colvard	D 2998
Sarah Jane Birdsong	D 2806	Charles W. Phillips	D 2999
Marion Maddox	D 2807	Sarah Shanks	D 3000
John A. McKenzie	D 2808	Nettie Young	D 3009
Ione McGee	D 2809	Jerry P. Ables	D 3048
Ollie Miller	D 2810	Almedie Ross	D 3052
William A. Martin	D 2811	John S. J. Fowler	D 3055
Jesse P. Morrow	D 2812	Leaner Hood	D 3056
Oliver Mason	D 2813	James D. Jackson	D 3057
Edna Whitehead	D 2814	Emma G. Nelson	D 3058
Charley Nuckolls	D 2815	Alice Simco	D 3059
Etta M. Nidiffer	D 2817	George O. Wallace	D 3060
Louizer Ossowee	D 2818	Fannie Clay	D 3078
William H. Patterson	D 2820	Ellen Drew	D 3079

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Paek	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Bengé	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

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COMMISSIONERS.
HENRY L. DAWES.
TAMM BIRBY.
THOMAS B. NEEDLES.
C. R. BRICKNIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 17, 1902.

Mr. James W. Turley,

Tulsa, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the seventh day of March, 1902.

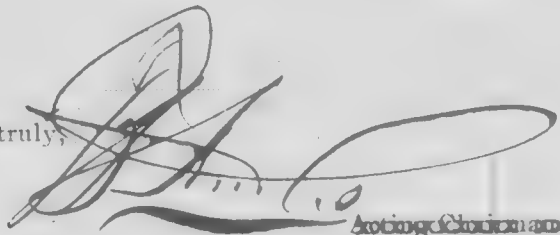
On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with certificate of marriage to your former wife Alsa Hendricks.

Cherokee D-709
Register.

Yours truly,



Acting Chairman

Commissioner in Charge.

Cherokee-D- 709

Muskogee, Indian Territory, May 24, 1902.

Mr. J. T. Parks, Executive Secretary,
Tahlequah, Indian Territory.

Dear Sir:

You will please examine the Record of marriages of your office for evidence of the marriage of James W. Turley to Mrs. Alsa Hendricks and also evidence of the marriage of James W. Turley to Mary Hendricks. In the event that you find evidence of such marriages, forward to this office certified copies thereof. If no evidence is found, please make certificates to that effect.

Yours truly,

Acting Chairman.

Tulsa I.T.

June 7 1902

Mr Haslip

Muscow I.T.

Friend me

I wish you

would look the record and see if
Alice Hendrix Turley was put
on the rolls. all right. If you
remember I wrote you about it
some time ago. and you wrote back
and since then I have heard nothing
from it. Please let me know
about it. Bill you are expecting me
to see to it. and he has heard that
she was not enrolled, and if she
has not been enrolled, please advise
us what we had best do.

Yours Friend

R.E. Syner.

July 25.

7/1/1902

H. H. Hastings

Dear Friend

Joe Gurley is sending
you a copy of his marriage certificate to
Alice Hendrix and also a statement from
the pastor that they were all about his
wife.

I wish you would let me
know what all will be necessary for
him to do and the cheapest way for
him to proceed. Jim is all right and
then is no question but what his
rights here are all right and if you can
help him in getting it straight up it
will be greatly appreciated by us both.

Please let me hear from you
by return mail. Yrs Friend
A. C. Lynch

D-709

Muskogee, Indian Territory, June 25, 1902.

James W. Turley,

Tulsa, Indian Territory.

Dear Sir:-

In the matter of your application for enrollment as a citizen by intermarriage of the Cherokee Nation, you are required to appear before the Commission at its office in Muskogee, Indian Territory, and give further testimony in regard to your residence in the Cherokee Nation.

You will be allowed until July 10, 1902 to comply with this requirement, and you are advised that, in order to a proper determination of your application, you should give the matter prompt attention.

Yours truly,

Commissioner in Charge.

Register.

24932-0709

INDEXED

COMMISSION TO FIVE TRIBES,

No.	Received	ANSWERED	
3231		Book	Page
1902	AUG 18 1902		

Turley J. St.
Tulsa. I.T.
Aug 14. 1902

Cherokee

~~check~~

Rel. to his wives
enrollment

Tulla T.T Aug 14/1912
Companion to five colored
Tricks

Dear Sir I find out that
my wife Hilley Turley was enrolled
in 80 on the authenticated Roster
of a Glory she lived with a man
by the name of Skitawk his Cherokee
name was Kicitawk and some
English name ~~stay~~ Glory
yours resp

J W Turley

I received the information
from Jim Tyner of Tully T.T &

CRV

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
G. R. BRICKKINDLE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-709.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 21, 1902.

J. W. Turley,

Chelsea, Indian Territory.

Dear Sir:-

The Commission is in receipt of your letter of August 14th in reference to the identification, upon the 1880 authenticated roll of citizens of the Cherokee Nation, of your former wife,

Ailsey.

Your letter has been noted and filed.

Yours truly,



Acting Chairman.

Cherokee No.
D. 709

Muskogee, Indian Territory, January 10, 1907.

James W. Turley,
Tulsa, Indian Territory.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 19, 19 07

Postmaster,

Tulsa, Indian Territory.

Dear Sir:

Receipt is acknowledged of Registry Return Receipt for a letter from this office addressed to James W. Turley, which is signed by "James H. Thomas."

You are requested to advise this office as to the authority of James H. Thomas to receipt for a registered letter addressed to James W. Turley.

You are requested to return this letter with your reply.

Respectfully,

L M B

Inc 18-2


Commissioner

(COPY)

UNITED STATES POST OFFICE

Tulsa, Ind. Ter., Feb. 27/07.

Commissioner to the five Civilized Tribes,
Muskogee, Indian Territory.

Dear Sir:

In reply to the enclosed inquiry will say the registered letter addressed to James W. Terley was not delivered to James H. Thomas. On that date we received a number of registers from you and they were all enclosed in the same register envelope, and we delivered to James H. Thomas the register that was addressed to him we caused him to sign the wrong card, and later noticing the mistake we had Mr. Thomas to sign his own card and we returned it to you also, so we made out duplicate card for James W. Turley, which was for'd to him at his present address, with register.

Respectfully,

Jno. D. Seaman, P.M.

Per J.M.

Cherokee D709

Muskegee, Indian Territory, March 14, 1907.

James W. Turley,

Tulsa, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

RPI

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-100
LMC

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.

J. H. T. T. T. T.

J. H. T. T. T.

Indian Territory.

James H. T. T. T.

Original testimony of 1/2/21

Memo. of Application of 10/24/00

Supplementary testimony of 1/19/02

Notice of final consideration 3/17/03

Order closing testimony 3/17/03

J. H. T. T. T.

J. H. T. T. T.

See Cherokee Gazette 4-9-22

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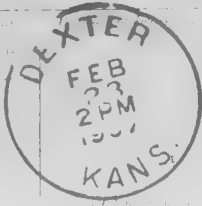
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*Commissioner of the Public Lands
Lumber
Men's League*



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REGISTRY RETURN RECEIPT.

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Addressed to

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Date

July 22

1902

Date of delivery

J. W. Turley

Witnessed by

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MUS.

Addressed to

James H. Thomas

Date

1902

Date of delivery

James H. Thomas

Witnessed by

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REGISTRY RETURN RECEIPT.

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James H. Thomas
1902
James W. Turley

REGISTRY RETURN RECEIPT.

Received from the Postmaster at

Tulsa, Ok.

1902

James W. Turley

July 1

J. W. Turley

CHIEF Q 30

CHIEF Q 710

Department of the Interior
Commission to the Five Civilized Tribes.
Claremore, I. T., October 20th, 1900.

In the matter of the application of George Tucker for the enrollment of himself and three children as Cherokee citizens; he being sworn to by Commissioner U. R. Breckinridge, testified as follows: Examination by the Commission.

- Q What's your name? A George Tucker.
Q How old are you? A I was born in '67, Nov. 9th.
Q What district do you reside in? A Cooweescoowee.
Q How long have you lived there? A Ever since I can recollect.
Q All your life? A Yes sir.
Q Have you been out of the territory within the past three years?
A No sir.
Q You make application as a Cherokee by blood? A Yes sir.
Q What is your father's name? A Bill Tucker.
Q Is he living? A No sir, he's not living.
Q Was he a Cherokee or white man? A Cherokee.
Q How long has he been dead? A I don't know how long.
Q What is your mother's name? A Mary Spears.
Q She living? A No sir.
Q She a Cherokee? A Yes sir.
Q For whom do you make application? A I want to enroll myself and three children.
Q Wife? A No sir, my wife's dead.
Q What's the name of the eldest child for whom you wish to make application? A George H. Tucker.
Q How old is he? A Five years old.
Q What's the name of the next child? A William Tucker.
Q Have you an affidavit as to the birth of this child? A No sir.
Q How old is he? A Two years old.
Q Who is the mother of these children? A Her name is May Shivley.
Q Is she living or dead? A She's dead.
Q Was she a Cherokee or white woman? A White woman.
Q When were you married to her? A I was married to her in '94.
Q Have you any evidence of your marriage to her? A Yes sir.
Q Have you remarried since the death of your first wife? A No sir.
Q Did you live with her continuously up until the time of her death? A Yes sir.
Q Was your wife ever married before she married you? A Yes sir.
Q To whom? A Shivley.
Q Was he a Cherokee or white man? A White man.
Q How long did she live with him? A I couldn't say.
Q Was her former husband dead when you married her? A Yes sir.
Q When did your present wife die? A She died last March, 21st.
The applicant presents marriage certificate showing that George Denver and Mrs. May Shivley were united in marriage on the 20th day of May, 1894, according to the laws of the Cherokee Nation, by J. M. Watson, a minister of the Gospel.
Q Is the George Denver mentioned in this certificate, yourself?
A That was what I went by then.
Q You and the George Denver mentioned in this certificate are one of the same people? A Yes sir.
Q How is it you went by the name of George Denver and now you go by the name of George Tucker? A I didn't know who my father was until the last Census was taken, I was raised with the orphans.
Q Do you appear upon the 1880 roll of the Cherokee Nation? A Yes sir, I think so.
Q Under what name? A George Campbell. I was raised by Campbell.
Q When did you take the name of Denver? A After I left home I took the name of Denver as I did not want to go by the name of Campbell.
Q When did you take the name of Tucker; how long ago? A When the last Census was taken.
Q In 1890? A In '94, I was informed that was my proper name so I had my name changed to Tucker.
Q Why did you originally go by the name of Denver? A I had heard

2- 6.7.

once that was my father's name, so I thought I would change my name that way, as I didn't care to go by the name of Campbell.

Q Your name appears upon the 1880 roll as Campbell? A I wasn't Campbell's son and I did not care about going by his name. I lived with Ed. Campbell.

1880 roll; page 89, #781, George Campbell, Cooweescoowee.

Q How long did you live with Ed. Campbell? A I don't know, ever since I can recollect.

Q When did you leave his home? A I think I was about 10 years old.

Q When you left his home? A Somewhere along there; I don't recollect.

Q Then you left his home 33 years ago or 13 years before the 1880 roll was made? A I don't know just how long I lived with him; he raised me from a boy.

Q Where were you living in 1880, twenty years ago? A I don't know where I was living at that time; I can't recollect. I think I was living in Cooweescoowee.

J.G. Starr, Representative of the Cherokee Nation-

Q You say you were raised by Ed. Campbell? A Yes sir.

Q How long did you stay with him? A Ever since I can recollect. I don't know, I can't recollect what year I left there in '86; somewhere along in '86 or '87.

Q How old was you when you left there? A I don't recollect just how old I was; don't recollect what year I left there in.

Q Was it before 1880 or afterwards? A Afterwards.

Q After 1880? A Yes sir.

Q What Ed. Campbell is it that raised you? A He lived on Possum Creek.

Q Is he a colored man or Cherokee? A Colored man.

Q Not the Ed Campbell at Alluwe? A No sir.

Q After you left him where did you go? A In the country and worked around. I went and tried to get work from Mr. Rogers here.

Q Have you lived in the Cherokee Nation all your life? A I think so, nearly about it.

Q Were you ever outside at any time? A I have been out and in just a short time; never out any length of time.

Q How long was the longest time you were out at one time? A About maybe one year.

Q Where did you go to? A I don't recollect; in the Creek Nation part of the time and in the Osage Nation. I was never out any length of time.

Q Ever out in the States? A Not much.

Q Were you ever out long enough to vote? A No sir.

Q Never did vote in the States? A No sir, not in the States.

Q Did you take all your effects out; did you have property here all the time? A Yes sir.

Q Who was your mother? A Mary Spears.

Q You stated that you lived with Mr. Campbell until some time in 1880? A Yes sir.

Q Then you were a grown man? A No sir.

Q You stated a while ago that you left about '86 or '87 somewhere along there? A It may have been '84 or '85; I don't know how long ago.

Q You gave your age as 43; did you not say you were born in '57? A No sir, I was born in 1867.

1886 roll; page 272, #4902, George Tucker, Cooweescoowee.

(Note: Was registered as Campbell)

1886 roll; page 272, #4902, George H. Tucker, Commission-

The applicant applies for the enrollment of himself and two minor children. He avers that in the year 1880 he was living with one Ed. Campbell, a colored man, and was enrolled upon that roll under the name of George Campbell. Examination of the 1880 roll disclosed the fact that one George Campbell is added thereto by the authorities of the National Council, no age or nationality

3- being given. This George Campbell appears in the same family with Ed Campbell and Martha Campbell, and it is possible that it is the name of the applicant. He lived with Ed Campbell until some time in the 1880s, thinking he was the son of said Ed. Campbell. After leaving the home of Campbell, he was informed that his father's name was not Campbell, but was told that it might be Denver; he then assumed the name of Denver, and in 1884 was married to Mrs. May Shively under the name of George Denver. The Commission cannot reconcile the applicant and the George Campbell whose name was added to the 1880 roll by the authorities of the National Council as being one of the same person. He will therefore be listed for enrollment by this Commission upon a doubtful card, awaiting proof that he and the said George Campbell enrolled in 1880 are one of the same. He is also identified on the roll of 1880 as a native Cherokee under the name of George Tucker. He declares that he is the son of Bill Tucker and Mary Tucker, and assumed the name of Tucker after he ascertained who his parents were. He was married in 1884 to Mrs. May Shively, a white woman, and presents certificates to that effect, showing that he and she were married by the John M. Watson, a minister of the Gospel. The result of this marriage is two children, George H. Tucker and William Tucker. George H. Tucker is identified on the Census roll of 1880 as a native Cherokee. William Tucker is not identified on the Census roll of 1880, having been born subsequent to the time when it was compiled. When he files with the Commission properly executed affidavits as to the birth of this child, William, it also will be listed for enrollment as a Cherokee by blood, together with its brother, George H. Tucker. As the enrollment of these children depends upon the enrollment of the father, they also will be placed upon what is known as a doubtful card, for the further consideration of the Commission. The applicant has given satisfactory proof as to his continuous residence in the Cherokee Nation for the time prescribed by law.

N. C. Rethenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

E. C. Rethenberger

Subscribed and sworn to before me this 28th day of October, 1900.

M. D. Green
Commissioner
Notary Public

Supplemental---
D Card 710.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Claremore, I.T. November 14th, 1900.

SUPPLEMENTAL PROCEEDINGS IN THE MATTER OF THE APPLICATION OF GEORGE
TUCKER FOR THE ENROLLMENT OF HIMSELF AND TWO CHILDREN AS CHEROKEE
CITIZENS.

JOHN W. SANDERS, being sworn and examined by Commissioner C. F.
Brackinridge, testified as follows:

- Q Give your full name. A John W. Sanders.
Q How old are you? A Fifty.
Q What is your post office? A Claremore.
Q How long have you lived in the Cherokee Nation? A Fifty years.
Q You have lived here all your life? A Yes, sir.
Q Do you know George Tucker? A No, sir; I don't know George
Tucker.
Q You don't know him at all? A I don't know him by that name.
Q Do you know this man here? (Indicating Applicant)
A Yes, sir.
Q What name do you know him by? A George Denver is the name
I know him by.
Q When did you first know him? A I knew him quite a good many
years ago when he was quite a small boy up at Ed Campbell's, near
Coffeyville. There was two of them. The other was a girl, and she
was raised there.
Q How long have you known him? A I expect it is twenty some
odd years.
Q Since you saw him? A Yes, sir; since I first saw him.
Q Have you seen much of him of late years? A Oh, yes, I have
seen him off and on. After he left up there he came down to my house
and staid with me quite a while.
Q About how long ago? A That has been about thirteen years ago
I guess when he first came to my house.
Q What name was he going by then? A Denver.
Q Have you seen much of him from that time until this? A Oh,
yes, I have seen him off and on all the time.
Q Have you been living in the same section of country? A Yes,
sir; he has been.
Q You say you used to live in the same neighborhood? A Yes, sir;
we did until I came here, and then he married and went over near Skiatook.
Q He married his last wife? A His first wife, I suppose, when
he went there.
Q And that was about how long ago? A I don't know; it must
have been six or seven years ago as well as I remember.
Q And have you seen anything of him since then? A Yes,
sir; I have met him several times since.
Q How far has he been living from you for the last six years? A
Well, you see I have been living here in town, and he has been living
over there; it must be some twenty miles, I guess there, but I have
been out several times and I have met him several times.
Q Are you in the habit of meeting as neighbors all the time? A
Yes, sir.
Q What was his wife's name before he married her? A I don't
know; I wasn't acquainted with his wife before he married her. I only
met her one time that I know of after they were married.
Q He has not been married but once, has he? A If he has I
don't know it.
Q She is dead now, isn't she? A So he told me some time ago.
Q Did you ever know his mother? A No, sir; I did not.

Q Did you know his mother? A No, sir.
Q You never heard any of his neighbors speak of him as being named Tucker? A I don't believe I ever did.
Q And in his childhood he lived with one Ed Campbell, did he?
A Yes, sir.
Q What was he? A Ed Campbell was a darkie.
Q Was Campbell any kin to this man in any way? A If he was I don't know it.
Q How did he happen to be living with Campbell? A Mr. Campbell told me they were orphan children that he had just taken to raise, a boy and a girl.
Q Is that girl still living? A I couldn't tell you whether she is or not.
Q What is her name? A I don't remember her name now. It has been quite a while since I met her.

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EMMETT STARR, being sworn and examined by Commissioner C. P. Breckinridge testified as follows:

Q Give your name please. A Emmett Starr.
Q Your post office? A Claremore.
Q You are one of the representatives here of the Cherokee Nation?
A I am.
Q What do you know about this man? (George Tucker)
A I have known Mr. Tucker for some ten or twelve years. When I first became acquainted with him he was called George Denver. He told me some four or five years ago that his proper name was Tucker. He is a step son of Ed Campbell. This man's wife was a daughter of Henry Gilmore, and she was a white woman. When I knew them some four years ago they were the parents of one child. I think they called him Henry. Since that I have not seen anything of them.
Q Do you recognize this man as the same man you knew as Denver?
A I do.

Witness excused.

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The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the supplement testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 14th day of November 1900.


Commissioner.

2814

March 1, 1900.

Department of the Interior,
Commission to the Five Civilized Tribes.

Muskogee, I. T., February 28, 1902.

In the matter of the application of George Tucker et al. for
enrollment as Cherokee citizens.

Supplemental Statement.

On the 14th day of November, 1900, there was filed
with the Commission to the Five Civilized Tribes a duly executed
birth affidavit from which it appears that William Tucker was born
on the 7th day of June, 1888; that he is the child of George Tucker
and May Tucker, his deceased wife; and that said child was living
at the date of the execution of the affidavit. Said affidavit was
approved.



Commissioner.

880
Cherokee D-718.

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of George Tucker et al. for
enrollment as citizens of the Cherokee Nation.

On the 26th day of October, 1900, George Tucker appeared
before the Commission to the Five Civilized Tribes and made appli-
cation for the enrollment of himself and his two minor children,
George H. and William, as Cherokee citizens by blood.

At the conclusion of the evidence offered at that time
the names of the said George Tucker and his two minor children
were placed upon a doubtful card, awaiting proof of identification
of George Tucker on the 1880 authenticated tribal roll of the
Cherokee Nation.

Further evidence in the case has been submitted to this
Commission and the following decision is rendered:

D E C I S I O N .

From all the evidence of record in this case it appears
that George Tucker was raised by a man by the name of Campbell,
whose name he bore in 1880; that some time thereafter he was informed
that his deceased father's name was Denver, and the applicant
changed his name to Denver. In 1896, he testifies, that he was
informed that his correct name was Tucker and he was enrolled on
the 1880 census roll as George Tucker. The name of George Campbell
appears upon the 1880 authenticated tribal roll of the Cherokee
Nation and no doubt is entertained that the applicant, George
Tucker, was enrolled at that time under the name of George Campbell.
He has resided in the Cherokee Nation all his life.

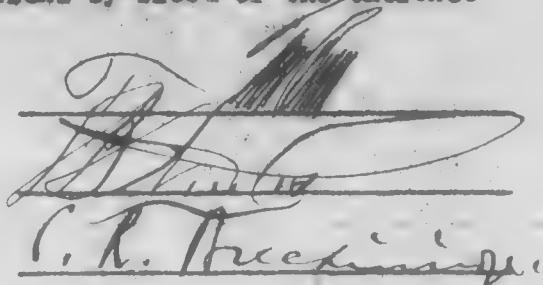
Under the name of George Denver, he was duly married
to Mary Shively, a white woman, on the 20th day of May, 1894. The
child, George H., is duly identified on the 1896 census roll of the
Cherokee Nation. The child, William, is too young to be upon any

roll, but he is only identified by the birth affidavit filed in the case.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stat., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were miners when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Under the facts and the law in this case it is considered that George Tucker and his two minor children, George H. and William, are entitled to be enrolled as citizens by blood of the Cherokee Nation, and it is so ordered.



C. R. Buckles

Commissioners.

Dated at Muskogee, Indian Territory

MAY 20 1902

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COMMISSIONERS
HENRY L. DAWES
JAMES HIRBY
THOMAS B. NEEDLES
R. BRACKENRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

D - 710.

Muskogee, Indian Territory, May 31, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

Enclosed herewith, please find a copy of the decision of the Commission rendered May 30, 1902, in the matter of the application of George Tucker et al. for enrollment as citizens of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the above named persons as citizens of the Cherokee Nation. If you fail to file the protest within the time allowed these applicants will be regularly listed for enrollment.

Very respectfully,


Commissioner in Charge.

Enc. D-710.

CH. CRUKEE

No. 710

George Tucker

et al

Original testimony of 10/26/0

Memo of Application of 10/26/0

Supplementary testimony of 11/14/0

Marriage certificate

Birth certificate of William Tucker

Supplemental statement 2/29/0

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CLAREMORE, I. T., OCTOBER 23rd, 1900.

IN THE MATTER OF THE APPLICATION OF Alexander G. Ward for the enrollment of himself, his wife and children as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, O. R. Breckinridge, testified as follows:

- Q What is your full name? A Alexander G. Ward.
Q How old are you? A Born in 1847: I think I am fifty nine years old.
Q What is your Postoffice? A Claremore.
Q In what district do you live; Cooweescoowee? A Yes sir.
Q Who is it you want to have put on the rolls: Yourself and family? A Yes sir.
Q Have you a wife? A Yes sir.
Q How many children? A Six.
Q Are you a Cherokee by blood? A Yes sir.
Q Is your wife a Cherokee by blood? A No sir.
Q White woman? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life; was out three years time of the war is all I ever was out.
Q What is your father's name? A G. W. Ward.
Q Is he dead or living? A Dead.
Q What is your mother's name? A Polly.
Q Is she dead or living? A Dead.
Q What is your wife's name? A Lizzie Thomas, before I married her.
Q How old is she? A Thirty.
Q When did you marry her? A In 1884.
Q Has she lived with you ever since you married her? A Yes sir.
Q Were you ever married until you married this wife? A Not that I know of.
Q You would be likely to know, would you not? A I have lived with others, but have not been married to them.
Q What was the first woman you ever lived with: Who was she? A I forget her name.
Q When did you begin living with her? A Let me study up her name.
Q Do you remember her given name? A Carrie.
Q When did you begin living with her? A I never lived with her: I just stayed with her a week or two weeks; I am not positive.
Q When was that? A It has been thirty years ago I reckon. I am not positive.
Q You did not live with her but one week? A One or two weeks.
Q Did you call her by your name? A I guess I just took up with her.
Q Did you call her by your name? A No sir; I think I did not.
Q Did you keep house with her? A She stayed at my father's a week or two.
Q She lived there with you? A Yes sir.
Q At your father's house? A Yes sir.
Q How did you happen to separate? A She went off to Mexico, and I stayed at home: She was under age, and her parents came and got her.
Q What was the next woman you lived with? A Vina Ora: I never was married to her.
Q When did you begin living with her? A When I was a young man: I do not know: I never lived with her at all.
Q Did you and she live in the same house? A No sir; I never lived with her at all.
Q Whose house did she live at? A Her daddies house a while.
Q Did you live there? A No sir.
Q What kind of "taking up" are you talking about here? A Sleeping with a woman I guess.
Q At her father's house? A No sir; I was never married to her.

Q Do you mean to say then that you mention this connection with this woman you had, if you were living with her in a secret and unknown manner? A Yes sir.

Q Why do you feel bound to mention this in your application: You state that in answer to my inquiry as to your marriage? A I said I never did know that I was married but once: I have one lawful wife.

Q You spoke of having one child by another woman besides your wife? A Yes sir; I have.

Q Who was the mother of this child? A Vina Ora.

Q And you never lived with her openly at all? A No sir.

Q Yet you feel bound to acknowledge that as your child?

A She brought the child, and swore it was my child: She brought the child when it was a sucking child, and laid it on the bed, and left it, and said it was mine.

Q Did you ever get a divorce from your first wife, Carrie?

A No sir.

Q Give me the names of your children? A One is named Jesse D.

Q How old is that child? A It is on here - handing paper to Commissioner - you can see.

Q Born in 1885? A Yes sir.

Q Fifteen years old? A Yes sir.

Q Is that the child of your present wife? A No sir.

Q Who is that child by? A Vina Ora.

Q The next child is named Lucy? A Yes sir; Lucy Frances.

Q She was born in 1885? A Yes sir.

Q Fifteen years old? A Yes sir.

Q The next child is named George? A Yes sir.

Q Thirteen years old? A Yes sir.

Q What is the name of the next child? A Roxie Myrtle.

Q Eleven years old? A Yes sir.

Q Then William? A William Marion.

Q He is nine years old? A Yes sir.

Q Then Joe M. A Yes sir.

Q Two years old? A Yes sir.

Q These children are all living now, are they? A Yes sir.

Q What ever became of your wife, Carrie? A She went to Mexico.

Q When did you hear from her last? A I never heard from her.

Q You do not know whether she is dead or living? A My brother told me he heard she had died.

Q How old was she? A She was thirteen years old I think: We just stayed together two weeks.

Q Why are you not on the roll of 1880? A I am on it I guess.

Q Was your father living then? A Yes sir.

Q What district were you in then? A Going Snake I reckon. Tom Alberty put my name on the 1880 Roll.

Q Why was your name put down as Alice: They just made a mistake: I was talking to Tom about it a while back.

Q Was your mother dead in 1880? A She died when I was a baby. (1880 Roll, Page 492, #2039, Alice Ward, Going Snake District - marked "Female".)

(1896 Roll, Page 279, #5066, Alex G. Ward, Co. District)

(1896 Roll, Page 330, #1106, Elizabeth Ward, Co. District)

(1896 Roll, Page 279, #5067, Lucy F. Ward, Co. District)

(1896 Roll, Page 279, #5068, George Ward, Co. District)

(1896 Roll, Page 279, #5069, Roxie M. Ward, Co. District)

(1896 Roll, Page 279, #5070, Wm. L. Ward, Co. District)

Q These children are all living now, are they? A Yes sir.

Q Who was this woman, Vina Ora: Was she a white woman? A Yes sir.

The applicant applies for the enrollment of himself, his wife, and six children: What is supposed to be is identification on the roll of 1880 is under the name of Alice, and as a female. He states that he has lived in the Cherokee Nation all his life, and he is identified on the roll of 1896, under his proper name, as a

native Cherokee: He will be classed as a Cherokee by blood, but his application for enrollment will be placed on a doubtful card, for consideration of his testimony by the roll of 1890. He states that he was married to his present wife in 1884: She is identified with him on the roll of 1896: He states that they have lived together ever since their marriage: She is identified with their children on the roll of 1896. The applicant states that he was married first, many years ago, to a woman whose name he only gives in part: That he took her to his father's house as his wife, and that they lived there some two weeks or such a matter together, when she abandoned him: He states that she was a minor: That no divorce was ever obtained from that wife; and that he heard a few years ago that she was dead: It seems that he could not contract a lawful marriage, unless that wife was dead, or he had been divorced from her, after forming a relation and assumption of marriage ties between them: Therefore, the application for the enrollment of his wife, who will be classed as a Cherokee by adoption, will be placed on a doubtful card, for the further consideration of the legality of his present marriage.

He states that the child, Jesse B. is the child of a white woman, to whom he was never married: This child is not identified on the roll of 1896, and can not be classed as having Cherokee rights at this time; and the application for the enrollment of this child, Jesse B. Ward, is rejected.

Of the five remaining children who are of the present marriage, the first four are identified on the roll of 1896: They are living now. These are Lucy F., George, Roxie M., and William M. Ward:

They possess no rights unless the applicant was lawfully married to his present wife, who is a white woman: Therefore, the application for their enrollment at this time will be placed on a doubtful card, they being classed as Cherokees by blood.

When a certificate is filed with the Commission of the birth of the youngest child, Joe M. Ward, also the child of the present marriage, this child will be placed upon a doubtful card, as a Cherokee by blood.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R. R. Brannon

Subscribed and sworn to before
me this 23rd day of October, 1900.

[Signature]

COMMISSIONER.

SUPPLEMENTAL D 711.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Chalco, I.T. November 14th, 1900.

SUPPLEMENTAL PROCEEDINGS IN THE MATTER OF THE APPLICATION
OF ALEXANDER G WARD FOR THE ENROLLMENT OF HIMSELF AND FAMILY.

The said Alexander G. Ward, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name, please. A Alexander G. Ward.

Q How old are you? A Fifty one.

Q What is your post office? A Claremore.

Q You applied for the enrollment of yourself and family a few days ago? A Yes, sir; at Claremore.

Q Now, you want to give some additional testimony? A Yes, sir.

Q One question with you was in regard to your having been divorced from your first wife? A Yes, sir.

Q Well, what have you got to say about that? A Well, I told you I didn't know the preacher's name, nor I didn't know her name at that time. It had been so long ago I had forgot it. Her name was Carrie McCumber.

Q Well, what else do you want to say? A I told you she came down there and she staid a while and me and her made it up to get married, and after we got married we lived together, I told you, three weeks, but I think it was a week, and the old man came down and asked me to bring her up.

Q What old man? A Her father. And I got her up there and I couldn't get her to come back, and I went after her again and she wouldn't come back, and she stated to me that she was under age and wouldn't live with me, and she was gone off and gone six years, and I heard she was married, and I thought it was right for me to marry.

(Examination by Mr. W. W. Hastings, representative of Cherokee Nation.)

Q You heard that she was married before you married the second time? A No, the last time.

Q Well, that is the last time. You ain't been married but twice? A That is all. And the told man told me she wasn't of age and I couldn't keep her.

Q The old man you speak of is her father? A Yes, sir.

BY THE COMMISSIONER:
Q Did you think she was under age before he told you? A I didn't know. I never asked her.

Q It didn't occur to you that she was under age until her father told you? A No, sir.

Q How long had you known this woman before you married her? A I guess it was pretty near a year.

Q Pretty near a year? A Yes, sir.

BY MR HASTINGS (Cherokee Representative)

Q Didn't you tell me the other day she asked you to marry her? A Yes, sir.

Q She did the proposing, did she, the asking? A Yes, ; she asked me to have her.

Witness excused.

YELL C. WARD, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Yell C. Ward.

Q Give your age? A Forty three.

Q What is your post office? A Bigham Springs, Arkansas.

Alexander G. Ward, Supplemental,--2.

Q How long have you lived in the Cherokee Nation? A All my life, about. I have lived in Texas a little bit in time of the war.

Q Do you know Mr. Ward here? A Yes, sir; he is a half brother of mine.

Q Do you want to give any testimony in regard to his first marriage? A Well, I don't know very much about it, only I came home from school at the time--it was in 1878--I was at school and I came home and they staid together and slept together about three days or four, and the old gentleman came down, her father came down, and asked him to fetch her up, and they went up across the line where her father lived, and he went after her in a few days and she never come back. I don't know any farther than that.

(Examination by Mr. W. W. Hastings, Cherokee Representative.)

Q Do you know what became of her? A He taken her off and went to Kansas and I never seen them since only I seen part of the old folks.

Q How long was that after the marriage they went to Kansas? A The next spring.

Q That was in 1879? A Yes, sir.

Q Do you know anything about his marriage to this second wife? A Well, I don't know only just hearsay, that they have been living together. I went over to Alberty's where he took this deposition--he took depositions over there of Mrs. West--he went first place to Jack Alberty to get married and Jack was off down to Court, he was Supreme Judge at the time--and so he got the depositions and I seen them signed up.

Q Relative to a second marriage? A Yes, sir.

Q You were not present when he was married? A No, sir; I was not.

Q Do you know that he has been living with her as her husband? A Yes, sir; he has been living with her ever since.

Q Since when? A Since 1884.

Q You have known him since 1884? A Yes, sir.

Q And while you were not present at his marriage you know that he was living with her as husband and wife since that time?

A Yes, sir; since 1884.

Witness excused.

-----o-----

JOEL BRYANT C WARD, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Joel Bryant C. Ward.

Q What is your age? A Forty one.

Q What is your post office? A Poyil.

Q What district do you live in? A Cooweescoowee District.

Q How long have you lived in the Cherokee Nation? A All my life except I was out a little while during the war.

Q Do you know Mr. Ward here? A Yes, sir.

Q Do you know anything about his first marriage? A No, sir; I couldn't say that I do. The news came to our house. We lived in this district here, and his father lived in Going Snake district, and by some way or other the news came out here that Aleck was married. That is the only way I know about it.

Q You don't know anything about it personally? A No, sir.

Q We are speaking now, of course, about his first marriage.

A Yes, sir; I understand. You are speaking about the first woman. I don't know anything about it.

Q Now what about his second one? A He has got a wife he lives with in three quarters of a mile of me. Well, he has lived in a mile and a mile and a quarter of me for the last ten or twelve years and raised a family of children.

Q Do they recognized each other as husband and wife? A Yes, sir.

(EXAMINATION by Mr. W. W. Hastings, Cherokee Representative.)

Q You don't know anything about the first marriage? A No, sir; not a thing.

Witness excused.

-----O-----

THE COMMISSIONER: This will go as additional testimony in the matter of the application of Alexander G. Hard for the enrollment of himself and family, Card D. 711.

-----O-----

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment had at the time and place above mentioned, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

W. S. McShane

Subscribed and sworn to before me this 16th day of November 1900

C. H. Murr

Commissioner.

FILED

OCT 28 1901

ACTING CHAIRMAN.

POSTMASTER:

sworn to and subscribed before me this 8th of October, 1907.

single and complete transcript of his stenographic notes received.

[illegible]

Cherokee- D-224x 711.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 10, 1901.

In the matter of the application of Alexander G. Ward, et al.
for enrollment as Cherokee citizens.

Supplemental testimony on behalf of the applicant:

Appearances:

I. P. Bledsoe, agent for applicant;
J. L. Baugh, Cherokee representative.

Alexander G. Ward, the applicant, being duly sworn by Commissioner Needles, testified as follows:

Mr. Bledsoe: What is your name? A A. G. Ward.

Q How old are you? A 52.

Q Is your name upon the 1880 roll, Mr. Ward? A It is Alice Ward.

Mr. Bledsoe: I would like for that enrollment to be given.

Commissioner: We have that here in the testimony.

Q This Alice Ward upon the 1880 roll in Going Snake district is intended for you? A Yes, sir.

Q You are satisfied that there is no other Alice Ward? A Not in my daddy's family; Mr. Buffington knows my father and knows there is nary one by that name in the family.

Mr. Baugh: How old were you when the roll of 1880 was taken? A I can't tell you.

Q About how old; were you a grown man? A Yes, I guess I was, I am 52 now.

Q Were you living with your father at the time of the enrollment?

A No, sir; no, my father had that done, I wasn't there.

Q Did your father have any girl at that time that was named Alice?

A No.

Q How many sisters and brothers did you have among your family that was living with your father at the time that roll was taken in 1880? A Five I think.

Q Can you name them? A Yes; Yell G. Ward, Jim Ward, Francis Ward.

Q That a girl? A Yes, sir.

Q The next one? A Carrie Ward.

Q Give the next one? A Lewis Ward.

Q Now the next one? A Martha.

Q Next one? A That is all.

Q These were the only children in your father's family at that time besides yourself? A Yes, and Elizabeth Ward is all there was of the family, that isn't dead.

Commissioner: He asked you how many of these children were alive in 1880, twenty years ago? A I believe, five I think.

Q What was your father's name? A George Ward.

Q Is he living? A No, sir.

Q When did he die? A He died about four years ago, three or four.

Q Is his name on the roll of 1880? A Yes, sir, I think so.

The 1880 roll of Cherokee citizens examined, and the following names found thereon: George Ward, 60 years of age; Alice Ward, 30 years of age; Yell Ward, 23 years of age; James Ward, 22 years of age; Francis Ward, 21 years of age; John Ward, 10 years old; Carrie Ward, 6 years of age.

Q You have heard these names read; were they your brothers and sisters? A Half brothers and sisters.

Q Did you ever have an elder brother than yourself? A No, sir, I guess not.

Q You were the oldest son then were you? A Yes, sir, I was.

Q You never had a sister named Alice? A No, sir.

Q How many sisters did you have? A Elizabeth Ward, Lucy Ward, Frankie Ward, Martha Ward, Carrie Ward.

- 2 -

Q They were all the girls, female members of the family? A Yes, sir.
Q Were any of these girls married before 1880? A Yes, sir.
Q Which ones? A I think Elizabeth Ward and Lucy Ward.
Q You have always lived in the Cherokee Nation yourself? A Yes, sir.
Q Born in the Cherokee Nation? A Yes, sir.
Q Always been recognized as a Cherokee citizen by blood?
A Yes, sir.

THOMAS M. BUFFINGTON, being duly sworn by Commissioner Needles, testified as follows:

Mr. Bledsoe: What is your name? A Thomas M. Buffington.

Q What is your postoffice? A Vinita.

Q Do you know this Alexander G. Ward? A I do.

Q How long have you known him? A I have known him 35 years, I believe.

Q Do you know whether he is a recognized citizen of the Cherokee Nation or not by blood? A Yes, he is.

Q Do you know whether his name is or should be upon the 1880 roll?

A Why I guess it ought to be there, he was living that part of the country at that time.

Q Do you know the members of his family, or his father's? A I went to school with all of them except Alex, he was older and had quit school when I was going, I went to school with the balance of the family at school age.

Q You were well acquainted with his father and mother? A I didn't know his mother, I was well acquainted with his father.

Q Did you know a child in that family, of him having a brother or sister rather, by the name of Alice? A No.

Q Was there anyone who was a member of that family by the name of Alice? A Not that I ever heard of.

Q I believe you are the chief of the Cherokee Nation at the present time? A Yes.

Q Do you know whether Mr. Ward there is married or not? A Yes; I wasn't at his wedding; he has a wife, the woman that he claims to be his wife, I have known her about 18 years I guess.

Q You don't know any of the children? A No.

Commissioner: Now I understand you to say, Governor, that you were acquainted with Alexander Ward's family when he was a boy? A Well you see he is some older than I am, he had quit school, or I don't know whether he ever went to school any or not, but the balance of the boys and I went to school together, and the girls that was old enough.

Q You never knew Alice at all? A No, sir.

Q Was Alexander Ward the oldest child? A Yes, sir, that is my understanding.

Mr. Baugh: Did Mr. Ward ever marry prior to the time that he married his present wife he is living with? A I don't know.

Q Well you do know though that his present wife and he have been living together as man and wife? A They lived in my neighborhood, he moved up here on Grand River ~~near~~ from Going Snake and lived there a year or so and then moved out west.

Mr. Bledsoe: I would like to refer there to §692 and §689 of the Compiled laws of the Cherokee Nation.

Commissioner: This testimony will be filed and made a part of the record.

-3-

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 24th of October, 1901.

Chas. H. Hinde

Commissioner.

R
C. D-711

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 7, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Alexander G. Ward for the enrollment of himself, wife and children
as Cherokee citizens.

Appearances:

Applicant in person and by his attorney, Joe M. Lahay, of
Claremore, I. T.;
W. W. Hastings, attorney for the Cherokee Nation.

BY COMMISSIONER: The applicant was notified by registered letter
February 17, 1902, that his application for the enrollment of
himself wife and children as Cherokee citizens would be taken
up for final consideration by the Commission at its offices
in Muskogee, Indian Territory on the 7th day of March, 1902.
Applicant this day, to-wit: the 7th day of March, 1902, appears
by his attorney, Joe M. Lahay, and in person.

The attorney for the applicant and the representative
of the Cherokee Nation present submit the case, same is
considered completed and will be reported to the Commission
for final decision based upon the evidence now of record.

The attorney for the applicant requests and will be
granted 20 days in which to file a brief in the case, one copy
with the Commission and one copy with the representative of
the Cherokee Nation.

I, M. D. Green, do hereby certify that as stenographer to the Commis-
sion to the Five Civilized Tribes I correctly recorded the pro-
ceedings in this case and that the foregoing is a true and complete
transcript of my stenographic notes thereof.

M. D. Green

116 911

116 9 1962

EXECUTIVE DEPARTMENT



CHEROKEE NATION.
TAHLEQUAH, INDIAN TERRITORY.

I, J.T/ Parks, Executive Secretary of the Cherokee Nation, do hereby certify that I am custodian of the records of this office and that the Marriage records have been carefully searched and examined and the same does not disclose any record of a marriage or marriages of Alexander G. Ward to Carrie McCumber, Alexander G. Ward to Vina Ora and Alexander G. Ward to Lizzie Thomas.

This the 6th. day of June 1902.

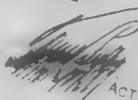
J. T. Parks
Executive Secretary.

The foregoing statements were subscribed
and sworn to before me this 22
9 day of Oct-1900

W D Barto J^{or}
for and for price
Township Washington
County, State of

Arkansas

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 5 1902


ACTING CHAIRMAN

~~W. D. Barto~~
~~W. D. Barto~~
~~W. D. Barto~~

127

The State of Arkansas County
of Washington On this the 9
day of Oct 1900 Personally
appeared Before me Elizabeth
West and being duly sworn
State she is the Widow of the
Late Rev H R West. Who was
a Regular ordained Minister of
the Methodist Episcopal ^{Church} South
and that sometime during the years
1884 at G Ward and Lizzie Thomas
came to our house in Washington
County Ark and asked my
husband to marry them They
having no license He told them
he could not marry them in
Ark But that he would go
with them across the line into the
D T (our farm joins the Cherokee
nation) and that he could marry
them then They went off and
was gone a while and came back
and my husband said he had
married them and they staid all
night at our house and they
slept together

Elizabeth West

The foregoing Statements were subscribed
and sworn to before me this 22nd
9 day of Oct 1900

W D Barbo Jrd
Jr and for Prie
Township Washington
County, State of

Arkansas

RECORDS OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
AUG 5 1902
FILED

ACTING CLERK

~~Chas. J. [illegible]~~
L. J.

11-11

J. J. W. Alberty do hereby certify that during the year 1884. Nathan R. West a M. G. told me that A. G. Ward and Miss Lizzie Thomas ~~had~~ ^{Ward} ~~had~~ ^{was} ~~to~~ ^{citizens} ~~to~~ ^{of the Cherokee} ~~to~~ ^{Nation} ~~to~~ ^{he had} ~~to~~ ^{procured} ~~to~~ ^{no} ~~to~~ ^{marriage license} ~~to~~ ^{and he} ~~to~~ ^{West} ~~to~~ ^{had} ~~to~~ ^{to come} ~~to~~ ^{across the line} ~~to~~ ^{to perform the marriage ceremony.}

I was ~~the~~ ^{Judge} ~~of the Cherokee~~ ^{Nation} ~~at the time~~ ^{and the said} ~~the~~ ^{A. G. Ward and Lizzie Thomas} ~~came to my house to get married~~ ^{and I being absent} ~~they went to Rev. N. B. West's.~~

N. B. West further told me that he came to near my place on the S. F. side and performed the ceremony

J. J. W. Alberty

Subscribed to and subscribed before me this 10th day of Oct. 1908

R. H. Hancock
Notary Public

My Comm. Ex 1-13-1908

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 20, 1902.

In the matter of the application of Lizzie Ward for enrollment as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her husband Alexander G. Ward, and her children Lucy F., George, Roxie M., William M., Joe M. and Joel C. Ward as citizens by blood of the Cherokee nation.

Lizzie Ward, called as a witness, being first duly sworn by the Commission, testified as follows:

- Q What is your name? A Lizzie Ward.
Q How old are you? A Thirty three.
Q What is your postoffice address? A Claremore, I.T.
Q Are you a white woman? A Yes sir.
Q Are you claiming the right to be enrolled as an intermarried citizen of the Cherokee nation? A Yes sir.
Q What is your husband's name? A Alexander G. Ward.
Q Is he a Cherokee by blood? A Yes sir.
Q How long has he lived in the Cherokee nation? A Born and raised here.
Q Has he lived in the Cherokee nation all his life? A Yes sir.
Q When were you married to him? A In 1884.
Q Is he your first husband? A Yes sir.
Q Are you his first wife? A No sir.
Q He had been married before he married you? A Yes, once.
Q What was the name of his first wife? A Carrie Cumber
Q Is she living or dead? A She is dead.
Q Was she dead when you married him? A I don't know; he hasn't ever said anything about it for six years.
Q Has he ever tried to find out anything about her? A No sir.
Q Has he ever tried to get track of her? A Yes, when she first left. She went out to Colorado I think.
Q He couldn't find out anything about her? A No, he couldn't find out a thing.
Q So you don't know whether she was dead or living at the time he married you? A No sir.
Q Have you found out since? A No, we heard that she was dead; that is all we know; she run away.
Q Did you hear when she died? A No, I didn't.
Q Who married you and your husband Alexander G. Ward? A Nathan Wise.
Q Was he a preacher? A Yes, an ordained preacher.
Q Did you get a certificate of your marriage? A No, he said he would have it recorded, but he never did.
Q Is he living now? A No, he is dead.
Q Is anyone living who was present at your marriage? A No sir.
Q Who made application for your enrollment two years ago--you or your husband? A My husband.
Q Have you and your husband been living together ever since you were married
A Yes sir.
Q You say you was never married before? A No sir.
Q You have never been separated, have you? A No sir.
Q Are you living together now? A Yes sir.
Q How many children have you by your husband Alexander G. Ward? A Six.
Q Are they all living now? A Yes sir.
Q So you don't know of anyone who was present and saw you married?
A No sir.

Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof. Subscribed and sworn to before me this Oct. 25th, 1902.

James A. Lane
Notary Public.

IN RE

Application for Enrollment of

INFANT CHILD

Joseph M Ward
as a citizen of the
Cherokee Nation.

Approved *Oct 24* 1900

Wm. C. ...
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 29 1900

[Signature]
ACTING CHAIRMAN

Cont. D 111

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Joe M. Ward, born on the 31st day of Nov, 1898
(Here insert name of child)
Name of Father: Alex G. Ward, a citizen of the Cherokee Nation.
Name of Mother: Lizzie Ward, a citizen of the Cherokee Nation.
Post-office, Baremore S. D.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
Northern District. }

I, Lizzie Ward, on oath state that I am 31
years of age and a citizen, by Adoption, of the Cherokee Nation;
that I am the lawful wife of Alex G. Ward, who is a citizen, by
Blood, of the Cherokee Nation; that a male child was
(male or female)
born to me on the 31st day of Nov, 1898; that said child has been
named Joe M. Ward, and is now living.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 29th day of Oct, 1900.

Joe M. Saway
Comex 2/21/1901

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
Northern District. }

I, America Montgomery, a mother of Lizzie Ward, on oath state that I
attended on Mrs. Lizzie Ward, wife of Alex G. Ward,
on the 31st day of Nov, 1898; that there was born to her on
said date a Male child; that said child is now living and is said to have been
(male or female)
named Joe M. Ward.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 29th day of Oct, 1900.

Joe M. Saway
Comex 2/21/1901

NOTARY PUBLIC.

IN RE

Application for Enrollment of

INFANT CHILD

Ivel C. Ward

as a citizen of the

Cherokee

Nation.

Approved

1901

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBESFILED
FEB 4 1901

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Joel B. Ward, born on the 29 day of December, 1900
(Here insert name of child.)
Name of Father: Alexander Ward, a citizen of the Cherokee Nation.
Name of Mother: Lizzie Ward, a citizen of the Cherokee Nation.
Post-office, Delaware P.O.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
Comanche District. }

I, Lizzie Ward, on oath state that I am 31
years of age and a citizen, by Marriage, of the Cherokee Nation;
that I am the lawful wife of Alexander Ward, who is a citizen, by
Blood, of the Cherokee Nation; that a Male child was
(male or female)
born to me on the 29th day of December, 1900; that said child has been
named Joel B. Ward, and is now living.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 30th day of January, 1901.

Comanche

John M. Pugh
NOTARY PUBLIC.

January 17th 1903, Delaware P.O.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
Comanche District. }

America Montgomery a Midwife, on oath state that I
attended on Mrs. Lizzie Ward, wife of Alexander Ward,
on the 29th day of December, 1900; that there was born to her on
said date a Male child; that said child is now living and is said to have been
(male or female)
named Joel B. Ward.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 30th day of January, 1901.

John M. Pugh
NOTARY PUBLIC.

Cherokee D 711.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Alexander G. Ward for the enrollment of himself and his minor children, Lucy F., George, Roxie M., William M. Joe M. and Joel C. Ward, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

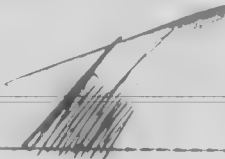
The record in this case shows that on October 23, 1900, Alexander G. Ward appeared before the Commission at Claremore, Indian Territory, and made application for the enrollment, among others, of himself and his minor children, Lucy F., George, Roxie M., William M. and Joe M. Ward, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Lizzie Ward, as a citizen by intermarriage of said Nation. Subsequent to the date of said application an affidavit was filed as to the birth of his minor child, Joel C. Ward, and the same is made a part of the record herein. The status of persons claiming citizenship by intermarriage in the Cherokee Nation not being fixed at this time, the application for the enrollment of Lizzie Ward, as such, will not be passed upon or considered in this decision. Jesse D. Ward, who was also included in said application, is differently classified and is not embraced in this decision. Further proceedings in the matter of said application were had at Chelsea, Indian Territory, November 16, 1900, at Vinita, Indian Territory, October 19, 1901 and at Muskogee, Indian Territory, October 20, 1902.

The evidence shows that the said Alexander G. Ward is a native Cherokee and is identified by the name of Alice Ward on the 1880 authenticated Cherokee roll, and that the minor applicants herein, are his children born since the making of said roll. It further appears that all of the applicants herein, except Joe M. and Joel C. Ward, are identified on the 1896 Cherokee census roll. The said Joe M. and Joel C. Ward are too young to appear upon any of the tribal rolls, but are identified by birth affidavits made a part of the record herein.

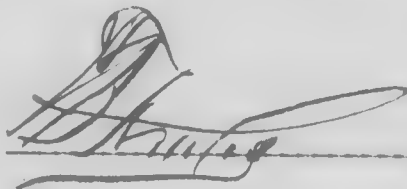
The evidence further shows that the said Alexander G. Ward has resided in the Cherokee Nation all his life, except for a period of three years during the war of the rebellion; and it is considered that the residence of the said minor applicants has always been in the Cherokee Nation with their father.

It is, therefore, the opinion of this Commission that Alexander G. Ward, Lucy F. Ward, George Ward, Roxie M. Ward, William M. Ward, Joe M. Ward and Joel C. Ward should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



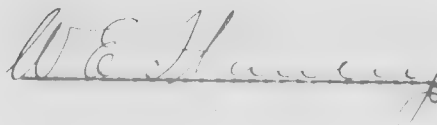
Chairman.



Commissioner.



Commissioner.



Commissioner.

Muskogee, Indian Territory,
SEP 18 1903
this _____

Department of the Interior, Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977	Millie Morton	1554
Bettie Mitchell	985	Andrew Walters	1573
John J. Harrison	993	John H. Holder	1610
Jasper N. Bateman	1029	Mary M. Burr	1612
Susan Ballard	1065	Thomas E. Bonham	1644
Lucy Eva Simmons	1073	Florence Hendrick	1663
Ellen Thornton	1089	Daisy B. Brewer	1709
Sarah E. Hair	1090	Annie Cordrey	1717
Norman S. Drake	1092	Adam Eckert	1722
Susan Hogg	1094	Isaac Timmons	1726
David L. Scott	1099	Gent Gibson	1727
James C. Taylor	1111	Amos Anderson	1731
Roxie Shepard	1128	William J. Mounts	1734
Robert G. Elgin	1136	James D. Alexander	1745
William Hall	1137	Willis E. Miles	1769
Mary Ella Lattimore	1141	Lora Adair	1781
Maggie J. Keys	1149	John Yarborough	1796
Joseph M. Correll	1177	Lillie M. Dassler	1802
Jane Ratley	1225	Bryant C. Redington	1804
George E. Norton	1234	Malisa A. Maxwell	1808
Mahala D. Thompson	1247	Richard Dukes	1811
Charles M. Trammel	1264	Fannie Pettit	1816
Flora Carlile	1265	Genevia Pool	1817
William H. Norrid	1275	Mollie Crossland	1822
Olivia Bengé	1276	Lizzie Bengé	1828
Dollie Wilson	1278	John H. Welty	1847
Moses Bell	1279	Edward P. White	1884
Sarah Fleetwood	1290	Lauren P. Green	1887
Rosa E. Fargo	1299	Charles Rosser	1898
William M. Oliver	1333	Fay Adair	1913
Andrew J. Couch	1340	Henrietta Irving	1920
Lina Hyles	1347	Bird Trippard	1925
Mary M. Miller	1350	John C. Carlile	1937
Mary E. Taylor	1368	John W. Gilstrap	1954
Polly Ann Bengé	1369	Sarah Young	2018
Margaret Moton	1385	Nancy A. Coleman	2049
Minnie McKinney	1390	James N. Whisenhunt	2118
Nettie Seabolt	1418	Hiram Stephens	2157
Lawrence G. Faulkner	1433	Asa L. Guinn	2159
Sarah A. Holt	1449	Rebecca J. Flying	2172
Jennette Polecat	1492	Thomas J. Measles	2192
Ellen Seabolt	1508	Julia Coody	2215
Charles W. Nettles	1509	Sarah Crutchfield	2224
Lena Sittingdown	1511	Henry E. Lee	2251
Tim Creeden	1513	Sarah Gritts	2256
Odie Pidcock	1517	John A. Madden	2261
Silas A. Saterfield	1529	Henry C. Pennel	2271
Laura J. Jeremiah	1530	Matilda S. Cleland	2302
Etta Hicks	1540	Dona A. Frazier	2312
Mary A. B. McKinney	1550	Laura B. Cordrey	2320

Lafayette D. Kindred	2328	William A. J. Trotter	3257
Pearl V. Sisson	2339	Albert P. Goforth	3298
Nancy J. Sevier	2380	Anna B. Martin	3307
Mollie Hair	2385	William Brown	3344
Dora Sayers	2474	Jennie B. Bluejacket	3345
William T. Jones	2501	William Little	3377
Sarah L. Martin	2502	Julia M. A. Russell	3386
William J. Shoemaker	2506	Andrew J. Smith	3393
Maud Baldridge	2511	William N. Blakemore	3396
James L. Townsend	2513	Lizzie Denton	3417
George L. Morgan	2568	Belle Hudson	3435
Andrew A. Brown	2575	Thomas S. Heady	3437
Louis K. Fair	2623	William M. Roseborough	3444
James L. Mitchell	2644	Madison G. Hawkins	3467
Martha E. McNair	2659	Japhat F. Ellis	3491
Millard F. Eggleston	2668	Emma McAffrey	3543
Elisha M. Gray	2686	William T. Huitt	3570
Jessie M. Ballard	2694	Myra F. Chouteau	3580
Annie Mayes	2798	Phillip Donchoe	3581
Belle Sixkiller	2809	Fred L. Kelley	3593
James P. Riley	2825	Annie Herod	3594
William Broaddus	2854	Maggie V. Fields	3615
William A. Martin	2865	Lou Payne	3616
Joseph Q. Buchanan	2888	Frederick W. Strout	3692
Marcellus L. Baker	2905	Andrew L. McCamish	3713
Etta M. Hill	2915	Sarah Dirthrower	3731
John R. Smith	2922	William P. Coble	3758
Ira W. Wallen	2926	Robert L. Madison	3761
John B. Laurence	2959	Mariah McDowell	3795
Lula O. Hitchcock	2961	Elizabeth R. Thornton	3811
Bell L. Muskrat	2975	Donithan A. Wilson	3841
Eliza O'Field	2977	Charles F. Covey	3868
Margaret Suagee	2993	Tamsey M. Williams	3886
Winfield S. Nance	3007	Mary J. Wolfe	3889
Benjamin F. Kelley	3010	Lathan Lumbard	3891
Mollie Daugherty	3039	Micajah P. Haynes	3897
Charles H. Leatherman	3043	Annie L. Wingfield	3903
Alice A. Edwards	3100	Mary Fields	3907
Dorinda Adair	3106	William W. Dudley	3944
William R. Gray	3118	Minnie M. McLaughlin	3950
Dora B. Caulk	3143	Henry B. Lindsey	3978
Jesse M. Gallman	3161	Wilbert H. Parkison	3999
Martha E. Garrett	3162	Seth R. Hall	4011
Artie E. Large	3164	Wiley Hanna	4016
Andrew A. Kelley	3191	Martha M. Woods	4093
Anna B. Ryne	3193	Lizzie Gray	4117
Eliza Henderson	3198	Nancy C. Carey	4131
David E. Jenkins	3212	Annie E. Kenney	4165
Lizzie Falling	3233	William H. Ward	4169
Robert L. Payne	3252	Nannie Brewer	4189

Nancy J. Kinney	4225	Roxie J. Ketchum	4623
Sydney E. Bell	4232	Lizzie Love	4626
Isaac H. Jordan	4235	Robert K. Wann	4632
Charles Parks	4244	Frederick Metzner	4633
Dora Frenchman	4262	John C. Bratcher	4634
James R. Fugate	4275	Pigrow L. Jones	4641
Maud Adams	4277	Ada Bertholf	4642
Elizabeth Black	4281	Alice Robbins	4644
Anna Thornton	4291	Jane Dougherty	4649
Robert T. Morrison	4294	Samuel Francis	4650
Perley Israel	4295	Clemson C. Peek	4652
William A. Long	4304	Mont C. Frazier	4653
Mollie Swannock	4319	Frank J. Mayberry	4656
Frances Guess	4324	Charles W. Moore	4660
Allen H. Gibson	4327	Jefferson D. Edmondson	4661
John McFall Jr.	4343	Alonzo H. Boone	4662
Albert W. Fitzsimmons	4360	Thomas C. Mock	4668
George S. Ford	4386	Sallie Allison	4669
Quinn Carr	4387	Elizabeth E. Burgess	4671
William A. Powell	4390	LaFayette Breeden	4673
Austin Hasley	4400	James M. Boling	4676
Anna Bible	4414	Francis A. Neilson	4681
Elizabeth Riley	4428	John F. Smith	4689
John P. Sudderth	4449	Rufus S. Steward	4691
Anderson Keen	4450	John I. Haddock	4694
Ida M. Adams	4451	Maggie O. Walkley	4695
Martha J. Randall	4457	George W. Talbert	4698
Mollie Conner	4477	Mary Miller	4700
Jane McGhee	4491	Henry C. White	4707
Jennie Riley	4525	Mattie E. Hill	4760
Hannah Randall	4528	Alice A. Bible	4772
Charles W. Childers	4542	Katie Coker	4785
Nannie B. Riley	4543	John Creek	4801
John W. McDaniel	4544	Ruby R. Bean	4804
Minnie Armstrong	4548	William J. Dodson	4836
Ada Chouteau	4549	Blackburn Reed	4882
Mary Thompson	4571	Viola Lowther	4891
Ota Armstrong	4593	William B. Ritchson	4910
Mary Spencer	4594	Henry D. McDonald	4950
Clarkson F. Woody	4603	Della McDaniel	4956
James M. McConnell	4604	Dorothy Rattlinggourd	4991
Annie E. Coker	4605	Ida McCay	5093
Jennie Long	4606	Henry M. Lyon	5100
Julia Gilstrap	4607	Alice J. Wofford	5101
Laura E. Smith	4608	Nancy Morris	5137
Annie Nicholas	4609	Ella Sullivan	5140
Minnie R. Taylor	4611	Winfield Williams	5144
Mary E. Rogers	4614	Bessie M. Smith	5145
Emma Downing	4615	May Humphrey	5207
William Steere	4619	Donnie Burgess	5235

Nora B. Burgess	5236	William A. Polson	5613
John E. Etter	5239	Paulina P. Pitcher	5614
Harriette Rogers	5240	Charley Headrick	5615
Amanda Foreman	5244	William N. Stinson	5616
William H. Wells	5261	Lenora A. Henry	5621
John T. Gaylor	5266	Effie M. Adams	5622
Annie Sweeten	5269	John H. Shimp	5624
Rosalee Hendricks	5278	Thomas B. Dickson	5625
Emma Chambers	5328	Minnie Henry	5628
James H. Thomas	5329	Thomas J. Simpson	5629
Melville B. Baird	5332	Cap L. Lane	5630
James R. Goodall	5356	Reuben E. DeLozier	5631
Charles Horton	5390	John Heape	5640
James W. Goddard	5417	Perry G. Brock	5645
Dora Cox	5425	Mary J. Newcomb	5650
Nannie G. Alberty	5438	George W. Seigel	5660
Sallie Ward	5455	Martha A. Parks	5666
William H. Sutherland	5484	Zelda C. Mills	5674
Lizzie Hall	5487	Lizzie Rogers	5675
Cyrus B. Essex	5489	Emma Pigeon	5676
Eda Taylor	5493	Nellie Bluejacket	5677
Laura Taylor	5494	Lucy Bacon	5679
Elector D. Miller	5496	Thomas B. Wood	5681
Embersen M. Arnold	5498	Asa W. Simerson	5683
Stella Henry	5499	William J. Kuhn	5686
William E. Oneal	5506	Elsie Couch	5688
John M. Sharp	5509	William H. Robinson	5692
John L. Davis	5514	Rachel Washington	5693
Sarah E. Downing	5518	Isaiah B. Blackwood	5700
Samantha C. Glass	5524	John R. Johnson	5701
Harry Jones	5525	Dennis W. Smith	5702
Aggie Paris	5532	William H. Chesnut	5705
James W. Hallford	5535	William H. Durham	5707
Phoebe Coker	5537	Albert B. Buckmaster	5710
Anthony K. Douglas	5538	Maud Crutchfield	5730
Joseph H. Johnson	5541	Joseph S. Layne	5731
Harvey O. Riggs	5547	Lena Bell	5737
Alice Glass	5553	Juan N. Corn	5748
Addison Reeves	5566	Robert N. Crafton	5750
Alice Coats	5572	Benjamin F. Coffee	5756
Julia Kidd	5575	Frank McSpadden	5760
William R. Greer	5576	Charles D. Pendleton	5775
Rosa M. Sixkiller	5581	Harden H. Green	5776
Nancy Inlow	5587	Emma J. Ward	5778
Daisey H. Owen	5599	Robert C. Fuller	5781
Annie R. C. Owen	5600	Henry F. Extine	5796
Jesse McKnight	5602	Ida Wylly	5802
Cicero J. Strange	5610	Richard L. Fite	5815
Henry Westenhaver	5611	Edward Lutz	5816
Emma H. Roach	5612	John F. Woodworth	5829

Horace H. Huddleston	5832	George C. Duffield	6031
William R. Sartain	5837	Amelia Reese	6033
Joseph A. Lawrence	5843	Alexander West	6036
William H. Hinton	5846	John Tootle	6037
Joseph Lehr	5851	Florence G. Langley	6038
Euin M. Young	5852	John T. Ham	6042
Mary C. Barnes	5853	Mary L. Jordan	6048
Matilda Thompson	5861	John W. Bradshaw	6076
William W. Young	5872	James L. Dean	6079
Earley F. Ellis	5874	Amanda J. Thompson	6082
Rosa B. Alberty	5877	Malissa Hubbard	6089
Sarah Cannon	5879	Jane Benge	6111
Mamie Beck	5887	John D. Ryals	6113
Jack H. Merchant	5888	John C. DeLozier	6117
John D. Merchant	5889	Jessie Willis	6118
Sarah E. Ghormley	5894	Mary A. Clark	6124
Jerry Young	5906	Mary J. Tipton	6126
James H. Brickey	5916	Leander Newton	6136
Mary Hicks	5919	William A. Qualls	6138
George W. Weems	5922	Henderson B. Thomas	6144
Albert Crain	5923	Hugh T. Watkins	6163
James M. Jones	5932	Nancy Keys	6172
Alfred W. Shelly	5935	Berry Hutchins	6186
John M. Stratton	5936	Eli Parker	6189
Waddie Hudson	5937	Sarah E. Shaw	6194
Robert C. Johnson	5939	Julia Keys	6211
Mary T. Thompson	5941	Boon J. Grey	6214
Edith A. Parris	5943	John Grubb	6216
Addie Hubbard	5949	William M. Costephens	6230
John A. Lowry	5962	Jane Bean	6232
John R. W. Brantley	5963	Lillie I. Taylor	6236
James T. Carroll	5964	Abbie B. Adair	6239
Christopher F. Jordan	5965	Mack C. Watkins	6246
Minerva E. Stover	5966	Robert W. Murray	6261
John W. Twilley	5967	John G. Petty	6269
Joseph W. Mounce	5970	Lucinda Poorboy	6279
Cornelius P. Potter	5971	Sarah Mayes	6286
Amanda C. Thompson	5972	Henry W. Pyeatt	6300
John M. Rusk	5976	Isaac A. Wilson	6308
Harrison L. Hughes	5978	John T. Hall	6310
Silas B. Dildine	5983	Edward L. King	6315
Lewis M. Payne	5985	Katie Still	6325
Nancy Beamer	5988	Emmer Carlile	6338
Sarah F. Selvidge	6002	Bird Webster	6347
Posy F. Buckner	6005	Fannie Morris	6353
John A. Moreland	6010	Leonard Lee	6357
Alice Welch	6015	James R. Miller	6362
Mary C. Thompson	6022	James Brackett	6370
Ida Beck	6029	Nora Allen	6371
William R. Tittle	6030	John T. Washington	6373

James J. Snider	6375	James L. Lee	6717
William H. Winget	6376	Rosa Phillips	6723
Ida R. Wilkerson	6383	Kate Brown	6735
George A. McBride	6385	Laura B. Barnett	6743
Matilda Cookson	6387	Elizabeth Sanders	6745
William A. Fisk	6392	William T. Neff	6747
William O. Ames	6394	William R. Scott	6751
Thomas Wilkerson	6396	Laura Fish	6770
Alice C. Springston	6407	Maggie Ketcher	6779
Fanny N. Witt	6413	Dora A. McDonald	6783
Lillie M. Adair	6424	Rosia B. Willis	6785
Mark F. Matheson	6428	Daniel Hubbard	6787
Ida L. Wilson	6431	Mary R. Tadpole	6801
George E. Marrs	6441	Magnus A. McSpadden	6811
Ulysses S. Reeves	6443	Sarah F. Pathkiller	6824
Daniel A. Smith	6447	Clora Twist	6845
Henry J. Dawson	6450	Mattie M. Welch	6846
Sarah Adair	6452	Cora Griffin	6850
Ida F. Wilson	6455	John S. Hyatt	6853
Mary E. Taylor	6459	Jefferson K. Tyner	6855
Catherine Henson	6468	Flora R. Miller	6859
Charles C. Fitzsimmons	6471	Lizzie Craig	6872
Mary E. Campbell	6476	Jacob C. Johnson	6876
Columbus N. Long	6478	George W. Ware	6897
Mary Wilkerson	6480	James B. Deatherage	6901
Myrtle Ward	6484	Lucinda F. Hartness	6943
Belle Manus	6499	Frances E. Tehee	6961
Martha E. McLain	6508	James M. Burt	6965
Mary A. Brown	6517	Rady Tipton	6975
Marion M. Ballew	6530	Laura Hendricks	6976
Mellie Mayfield	6540	Laura V. Smith	6979
Sarah Blevins	6541	Lorenzo C. Darnell	6988
Frank Powell	6542	Robert M. Mitchell	7004
Georgia Jackson	6546	William Henry Reeve	7005
Leonard S. Simpson	6549	James Pyle	7009
Almira Ussrey	6560	Willie Hilderbrand	7015
James McInerney	6561	Alice M. Roberson	7031
Fannie Carlile	6578	Charles Morris	7043
Sadie A. Mayfield	6580	Minerva J. Trent	7051
Silas A. Bryan	6581	John H. Keith	7078
William S. Martin	6585	Katie E. Ratley	7080
Emma J. Thompson	6589	Etta Patrick	7081
Lydia McDaniel	6593	Nannie Martin	7090
David W. Lamb	6595	Rosa B. Harris	7094
Gus R. Hart	6603	Samuel Brown	7100
Poca Phillips	6632	William H. Turner	7101
Lois E. Daniel	6678	Florence Mayes	7104
William W. Turner	6689	Maggie McCoy	7112
Lillie B. Blackstone	6714	Mary Belle Cordry	7113
Mary Lillard	6715	Benjamin Haner	7119

James Maher	7128	Robert B. Collins	7556
Terry A. Parkinson	7146	Nancy I. Brown	7579
Cora L. Hanks	7147	Mary B. Walkingstick	7642
Otto J. Zufall	7149	Robert T. Kellean	7653
Rufus M. Norman	7155	Mollie Morton	7797
Mary F. Foreman	7158	Mattie Girty	8006
Alma West	7159	Maek Alfred	8015
James M. Connally	7161	Ida Harmon	8016
Francis M. Crowell	7163	Ida McCoy	8417
Fannie E. McClure	7171	Rosie Foreman	8903
Benjamin B. Graham	7176	Annie Jackson	9034
Ada Phariss	7180	Margaret T. Langley	9092
William L. Whisenhunt	7184	Ida M. Davis	9266
Frances B. Perry	7191	Nora Crapo	9289
Philip Shultz	7210	Margaret Harmon	9378
Hester A. Miller	7212	Mary B. Langley	9438
Minnie B. Edmonds	7213	Ella Gravitt	9439
Eliza Jordan	7217	William M. Wilson	9444
William T. Ross	7218	David O. Scott	9446
Thomas M. Price	7225	Harriett Forbes	9447
James G. Wilson	7231	John Carver	9449
Frank Rhomar	7263	Thomas J. Davis	9451
John W. Thompson	7267	Clara M. Boudinot	9453
Melissa Booth	7271	Mary E. Keys	9454
Solon L. Jackson	7273	John G. Ainsworth	9456
Henry W. Coughran	7282	Mary J. Christy	9460
Sarah Ross	7291	Malinda Seabolt	9462
Mary S. Smith	7322	Mary Cumpton	9464
John A. Martin	7323	Mollie P. Mulkey	9465
Myrtle Robinson	7330	Andrew Brimmer	9467
Allen L. Buckner	7331	James F. Flippin	9471
James L. Goad	7350	William Bird	9473
Elijah Johnson	7351	Mollie C. Forbes	9476
Mary E. Kimbrough	7360	William H. Thomason	9478
Jennie Burr	7367	Mollie Devine	9481
Kiasay Sapsucker	7378	Mary P. Guthrie	9482
Sarah J. Johnson	7394	Detlev N. Leerskov	9484
William I. Branan	7409	Nannie Cowart	9485
Wyatte T. Brady	7412	Leona Catcher	9489
Lena O. Holderman	7413	Alexander B. Clapp	9502
Mary F. Hummingbird	7420	Tennie Sanders	9503
Bertha A. Allen	7425	Virgil A. Wiltshire	9505
Robert J. Tyner	7426	Joshua K. Carr	9510
Fannie B. Martin	7434	Herbert Kneeland	9518
Myrtle Wolfe	7435	Hugh E. Hope	9519
Mary Blevins	7479	Thomas J. Ritter	9522
Sarah Ketcher	7488	Martha Baldrige	9529
Charles D. England	7512	James R. Poindexter	9535
May Cochran	7544	Maud Foreman	9539
Rebecca Oglesby	7549	Belle Bryant	9542

Joseph P. Smith	9550	William G. Brown	9679
George E. Watkins	9552	John B. Delay	9681
Florence Henry	9553	Fairlee Thompson	9682
Jesse H. Johnson	9560	Guenther W. Werther	9683
Lydia B. Barger	9561	Margaret Crittenden	9684
Mary Jane Thomas	9562	Moses L. Morris	9689
James F. Petty	9563	Sarah L. Rogers	9691
Laura McCrary	9566	Stephen Duncan	9692
Joel D. Smith	9568	Gideon D. Sleeper	9695
William T. Cave	9572	William A. Maddin	9696
William Bugher	9577	John H. Horton	9694
James M. Smith	9582	Howe L. Rogers	9695
John E. Nazworthy	9583	William Rush	9692
Beverly L. Lafon	9587	George W. Edens	9696
Robert L. Gentry	9589	William H. Hall	9692
John C. Barker	9591	Edith B. Pheasant	9695
John P. Greenwood	9593	Carrie A. Collins	9696
Henry Hayes	9596	Lucinda Spriggs	9697
Ella Cornwell	9598	Ella F. Hail	9699
Asa A. Hedrick	9599	John W. Harris	9699
William C. M. Robinson	9600	Hannah Raper	9692
Woodrow Hadley	9612	John J. Coughran	9695
William T. Gregory	9613	Youra F. Waybourn	9696
Charles M. Keys	9616	Louisa J. Taylor	9697
Bate O. Reed	9618	William M. Evans	9698
Joseph E. Feland	9623	William F. Pierce	9699
Florence C. Smith	9625	May F. Chambers	9699
Charles M. Cox	9630	Albert Stevenson	9694
Otis S. Skidmore	9634	Henry Kiefer	9695
William H. Hundley	9635	Sarah Bean	9696
Thomas A. McDonald	9636	Zeno M. Cox	9694
Annie Sanders	9638	Jerusha E. Blair	9695
Mack H. Martin	9640	Elias Kyle	9691
Mary Ward	9653	Ida Cushman	9692
George Givens	9656	James W. Fleming	9694
Pheney Poorboy	9660	Samuel Holmes	9695
Charley Kiper	9671	Walter H. Talley	9697
Andrew J. Snider	9672	Hannah J. Miller	9698
William T. Barton	9684	Clara V. Ward	10002
Daniel Crail	9770	Stephen W. Pittsenberger	10005
Mary M. Motte	9771	Mary E. Palmour	10008
Lecia E. Herrin	9854	William T. Partin	10011
Gailen E. Carriek	9855	Nellie Fields	10013
Rosa B. Barger	9857	Sarah A. Dawes	10015
Rachel Foreman	9858	Willard E. Hutchins	10016
Serepta C. Willis	9861	Jesse Talbert	10020
Virgie Seabolt	9864	Julia E. Setser	10021
Annie Cannon	9867	Amanda E. Howell	10022
Isabella McCoy	9874	Mamie J. Rogers	10023
Robert E. Dry	9875	Nannie Rogers	10024

James B. Bradshaw	10025	Millie A. Carnes	10113
Ida L. White	10026	Lucy E. Richards	10114
Addie B. Miller	10027	Edward H. Fitzgerald	10115
William R. Condry	10028	John T. Pickard	10117
James D. Canary	10029	Charles Rains	10118
John Kelley	10031	Nancy Mayfield	10123
Kate Craig	10033	Anna B. Tittle	10124
John A. Butts	10034	Richard A. Clark	10126
John J. Dameron	10035	Emma B. Martin	10128
William Warner	10036	Walter L. Bates	10129
George A. Allen	10037	Nellie Brewer	10130
Watie Shetley	10038	William Heffernan	10131
John E. Carter	10039	Levi Ackley	10132
John M. Boyd	10043	Bessie Davis	10133
William Fister	10047	Eva Brackett	10135
Darius B. Troth	10049	Caleb A. Carnes	10136
Harry A. Kelley	10050	Jackie M. Waybourn	10138
Mary E. Purcell	10051	Minnie Shutt	10139
Myron L. Bronson	10052	Charles L. McClure	10140
George W. Taylor	10053	William W. Russell	10141
Josie Lowther	10054	Delia Jenkins	10142
Fannie D. Perry	10055	John A. Hood	10143
Minnie B. Williams	10056	Oba Maxfield	10145
Solomon Copeland	10058	Mary L. Cloud	10146
Etha B. Wood	10059	Callie Inlow	10147
James Pace	10060	Everett M. Lawrence	10148
Wiley B. McElhaney	10062	Dora E. Hays	10150
Nancy Patrick	10063	Julia M. Schrimsher	10151
James R. Stout	10072	Parmelia E. Lyman	10153
George Parker	10073	Charles F. Trickey	10161
Laura Morton	10074	Louisa J. Palmour	10169
John D. Kelly	10075	George L. Walker	10170
Nettie Swift	10078	Annie Taylor	10171
Maggie Baldridge	10079	Josie Winters Hall	10174
David E. Stubblefield	10080	Alice Nichols	10177
Thomas J. C. Thompson	10081	Lizzie Dry	10181
Cora P. Harlan	10082	Emma Murray	10182
William L. Singleton	10083	Annie Winton	10183
Lester Evans	10084	Marian Evans	10187
Ellen Mayfield	10085	Elizabeth J. McClain	10188
Ella Bray	10087	Eliza J. Price	10192
David J. Matthews	10094	Rissie Still	10199
Thomas Brown	10100	Hannah E. Langley	10200
Houston J. Payne	10103	Alma Keith	10201
Malinda E. Scudder	10104	Flora A. Terrill	10203
Henry Odell	10105	Talesphora A. Pardee	10204
Fred Macy	10107	Samuel Shadix	10205
Mary Russell	10108	Mary E. Childers	10206
Thomas B. Brown	10109	Robert M. Hamilton	10207
Samuel L. Milligan	10111	Julia Billingslea	10208
			10209

Nannie Martin	10210	Joseph Reed	D	408
Sarah A. Fields	10214	Adolphus J. Hallum	D	483
Sunie Henderson	10216	Alexander Walker	D	490
Charles H. Rienhardt	10218	Albert J. High	D	491
William H. Watkins	10221	America Matoy	D	501
Frank M. Rucker	10222	Moses L. Grazier	D	503
Henry C. Reed	10224	Myrtle Hall	D	509
Laura B. Timberlake	10226	Wallace Thursday	D	544
George A. Brown	10228	Thomas W. Baker	D	546
Drucilla Lowrey	10232	Mattie E. Keys	D	550
Almira Mouse	D	9	D	560
Lenora Prather	D	16	D	572
Andrew M. Cooter	D	17	D	574
Martin L. Stokes	D	28	D	577
Peter Walters	D	44	D	582
Columbus M. Reeves	D	58	D	585
Sarah Barnes	D	103	D	594
George T. Kiddy	D	108	D	600
Henry C. Agent	D	139	D	603
Joseph Phipps	D	147	D	621
Henry Hilton	D	149	D	622
David A. McGlamery	D	161	D	624
Maggie Doublehead	D	169	D	641
Annie Lovett	D	180	D	648
Nora Hood	D	184	D	650
John A. Johnson	D	232	D	655
Nathaniel G. Simpson	D	242	D	682
Oncico W. Head	D	244	D	688
Etta Taylor	D	245	D	698
Susan V. Sullivan	D	262	D	708
Levi H. Tackett	D	263	D	709
William H. Connelley	D	264	D	711
Julia A. Sullivan	D	284	D	713
May Fields	D	297	D	728
Katie Hummingbird	D	308	D	734
William F. Sager	D	320	D	746
Lovick P. Garrison	D	334	D	749
Henry Grubb	D	338	D	752
Lucy F. Lacey	D	340	D	759
Callie Blevins	D	341	D	779
James S. Alfrey	D	355	D	786
Shadrack C. Wallen	D	368	D	787
Ada Hall	D	376	D	788
Jane M. Hicks	D	396	D	793
Fannie L. Dupree	D	403	D	799
Willis Battles, Jr.	D	404	D	800
Joshua W. Ellis	D	413	D	806
Nina B. Owen	D	450	D	855
John M. Ridenour	D	458	D	856
Emery S. Thompson	D	464	D	875
		Thomas M. Reynolds	D	621
		Arthur Dodge	D	622
		Carrie L. McNair	D	624
		Constantine N. Walker	D	641
		Joseph Davis	D	648
		Leander A. Keys	D	650
		James J. Barndollar	D	655
		Nathan J. Brink	D	682
		William S. Miles	D	688
		Emma Waybourn	D	698
		Dora E. Rogers	D	708
		James W. Turley	D	709
		Lizzie Ward	D	711
		Robert J. Holly	D	713
		Belle I. Quinton	D	728
		Francis M. Boothe	D	734
		Amos W. Lord	D	746
		Agnes N. Childers	D	749
		John E. Renfrow	D	752
		William Coon	D	759
		Louis Bruere	D	779
		Georgia A. Waybourn	D	786
		Eliza Fields	D	787
		William H. Brown	D	788
		William A. Cox	D	793
		Charles A. Robison	D	799
		Artha Williams	D	800
		Adam Gearhart	D	806
		Cicero F. Rogers	D	855
		Annie Garrett	D	856
		George S. Yarborough	D	875

Rhoda A. Sanders	D 878	Ella Vann	D 1320
Manuel Spencer	D 884	Linnie Wofford	D 1330
Benjamin H. Hulbert	D 891	Minnie Downing	D 1332
Mary Brassfield	D 935	Katie Rider	D 1334
James L. Tindle	D 944	Samuel G. Mills	D 1337
Silas G. Reneekar	D 966	Alfred H. Woods	D 1342
Eliza Wofford	D 967	Cynthia Whitekiller	D 1352
Jasper L. Newton	D 971	Susie McSpadden	D 1361
John N. Guinn	D 974	Martha J. Houston	D 1363
Hannah Parson	D 989	Samuel M. Collier	D 1367
Nellie C. Helterbrand	D 1003	Katy Payne	D 1369
Thomas J. Welch, Jr.	D 1006	Joseph H. Warren	D 1375
Lissie Christian	D 1010	Mattie Miller	D 1433
George Haslewood	D 1013	S. F. Moore	D 1434
James M. Jones	D 1022	Addie Schrimsher	D 1448
Reuben A. Evans	D 1032	Fannie Vann	D 1458
Carrie H. Cobb	D 1049	Marcella Blakeney	D 1474
John M. Burns	D 1069	G. W. Williamson	D 1555
Sarah E. Henson	D 1083	C. F. Walker	D 1558
Laura D. Henson	D 1086	Louisa Blevins	D 1567
Hettie E. Downing	D 1090	Frank Cowles	D 1581
Benjamin F. Crain	D 1099	Mary Francis Madding	D 1637
Benjamin Strickler	D 1129	Thomas Rodman	D 1661
Nancy Spaniard	D 1130	Katie Still	D 1866
Annie Wilson	D 1131	Ira Creach	D 1913
Ora H. Maxwell	D 1135	D. A. Mounts	D 1967
Reuben W. Moore	D 1136	J. C. Sefton	D 1991
Cora Childs	D 1146	Jennie Holland	D 2024
Janie Hughes	D 1179	Lou Sanders	D 2216
Francis B. Reid	D 1180	Caroline Barnes	D 2591
Martha Carey	D 1195	Lacey Crane	D 2592
Christina Johnson	D 1199	Daisy Cash	D 2595
Louvenia Ironside	D 1208	Hiram A. Landers	D 2599
Martha J. Henson	D 1218	Charles Neel	D 2603
David A. Martin	D 1228	Mattie Robinson	D 2605
Fred D. McEnery	D 1235	Jennie Rich	D 2606
Nathaniel R. Martin	D 1261	Alexander C. Russell	D 2607
James H. Requa	D 1266	Pricilla Ross	D 2608
Frank Carver	D 1267	Tom W. Reeves	D 2609
Etta B. Payne	D 1270	Mary Smart	D 2612
Mary Garrett	D 1271	Rufus Tidmore	D 2613
Joe W. Goodman	D 1272	Jasper Turquitt	D 2614
Mathew J. Flanigan	D 1274	Mabel West	D 2618
Lizzie C. Holland	D 1285	Ophelia West	D 2619
Etta Downing	D 1291	Cora Whisenhunt	D 2620
William Caywood	D 1296	Katy Martin	D 2667
Clarence W. Turner	D 1307	Willis Butler	D 2686
Alfred Chaney	D 1313	Claud Barger	D 2687
Euphemia Sweetwater	D 1314	Disie Conner	D 2698
Etta Russell	D 1319	John Culwell	D 2699

Herbert F. Couch	D 2700	Samuel A. Parkhurst	D 2821
Albert C. Dykes	D 2703	Ellen Rogers	D 2822
Delora Drew	D 2704	Elijah Rolland	D 2827
Frank F. Danderson	D 2705	Endora Steele	D 2828
James Gafford	D 2708	William M. Stucker	D 2829
Anna L. Harlin	D 2715	Sallie Tauuneacie	D 2831
William R. Lipsey	D 2717	Mary Tasse	D 2832
Bertha Landrum	D 2718	John F. Wolf	D 2835
Lila More	D 2722	Ruth A. Ward	D 2840
John D. Mathews	D 2723	Winnie Daugherty	D 2884
Mary McIntosh	D 2725	Mary Guthrie	D 2885
Bertha Nidiffer	D 2730	Lydia Long	D 2886
Richard Nichols	D 2731	Edda Roberts	D 2887
William S. Ross	D 2738	Manda Ward	D 2889
Irene Riley	D 2739	Elmira J. Alberty	D 2905
William H. Rowley	D 2740	Thomas C. Cordray	D 2906
Colombus C. Scroggins	D 2741	Edward Fowler	D 2907
Della Summers	D 2743	Dora Foreman	D 2908
William S. Sage	D 2744	Parker Holt	D 2909
Eliza Thomas	D 2748	John Haston	D 2910
John P. Thurman	D 2749	Georgie Harlin	D 2911
Mary E. Davis	D 2770	Percillia Johnson	D 2913
Jessie Frick	D 2774	Bettie Morton	D 2915
Enna Buffington	D 2788	Samantha Spade	D 2917
Will Black	D 2789	Mariah Ward	D 2918
Maggie E. Davis	D 2792	Ellen Watt	D 2919
Thomas Dotts	D 2793	Nora Morten	D 2920
William Daws	D 2794	Lizzie Anderson	D 2981
Nancy Dawson	D 2796	Francis Duval	D 2984
Lena Fields	D 2797	Wade S. Hayes	D 2987
Effie Grayham	D 2798	James A. Hankins	D 2988
Alice C. Hill	D 2799	Joseph Hardee	D 2991
Bertha H. Harlin	D 2800	Tennie Horn	D 2992
Margrett C. Hudson	D 2801	Eveline Hall	D 2993
Joseph A. Kelley	D 2803	John E. Leftwich	D 2995
Andrew O. Kepler	D 2804	Mattie Henson	D 2994
Josephine King	D 2805	John D. Colvard	D 2998
Sarah Jane Birdsong	D 2806	Charles W. Phillips	D 2999
Marion Maddox	D 2807	Sarah Shanks	D 3000
John A. McKenzie	D 2808	Nettie Young	D 3009
Ione McGee	D 2809	Jerry P. Ables	D 3048
Ollie Miller	D 2810	Almedie Ross	D 3052
William A. Martin	D 2811	John S. J. Fowler	D 3055
Jesse P. Morrow	D 2812	Leaner Hood	D 3056
Oliver Mason	D 2813	James D. Jackson	D 3057
Edna Whitehead	D 2814	Emma G. Nelson	D 3058
Charley Nuckolls	D 2815	Alice Simeo	D 3059
Etta M. Nidiffer	D 2817	George O. Wallace	D 3060
Louizer Ossowec	D 2818	Fannie Clay	D 3078
William H. Patterson	D 2820	Ellen Drew	D 3079

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Harlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES:

FILED
FEB 23 1902

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 17, 1902.

Mr. Alexander G. Ward,
Claremore, Indian Territory,

Sir:-

You are hereby notified that the application of ~~yourself~~ your wife and six minor children, ~~citizen~~ of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the seventh day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with your certificate of marriage to your wife, Lizzie.

Copy to I. D. Fledsoe,
Chouteau, I. T.
Cherokee D-711
Register.

Yours truly,

XXXXXXXXXXXX
Acting Chairman.
Commissioner in Charge.

Cherokee-D-711

Muskogee, Indian Territory, May 23, 1902.

Mr. J. T. Parks, Executive Secretary,
Tahlequah, Indian Territory,

Sir:

Please examine the Record of Marriages of your office and certify what said record shows as to the marriage of Alexander G. Ward to Carrie McCumber, Alexander G. Ward to Vina Ora and Alexander G. Ward to Lizzie Thomas. In the event that you find no record evidence of the marriage of the parties above named or either of them, please make certificate to that effect and transmit same to this office.

Yours truly,

Acting Chairman.

D-711

Muskogee, Indian Territory, June 25, 1902.

Alexander G. Ward,

Claremore, Indian Territory.

Dear Sir:-

In the matter of your application for the enrollment of yourself, your minor children, Lucy F., George., Roxie M., William M., Joe M. and Joel G. Ward, as citizens by blood of the Cherokee Nation, and for the enrollment of your wife, Lizzie Ward, as a citizen by intermarriage of said Nation, you are required to file with the Commission a certificate of your marriage to your said wife, or a duly certified copy thereof, and in the event that you are unable to file such certificate, or a certified copy thereof, you are required to have before the Commission, at its office in Muskogee, Indian Territory, one or more persons who witnessed said marriage in order that the same may be established.

You will be allowed until July 10, 1902, within which to comply with this requirement.

Yours truly,

Commissioner in Charge.

Register.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-711

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 22, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of Alexander G. Ward for the enrollment of himself and his six minor children, Lucy F., George, Roxie M., William M., Joe M. and Joel C. Ward, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-19

Chairman.

609A

Cherokee D-711.

Muskogee, Indian Territory, October 12, 1903.

Alexander G. Ward,

Claremore, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting your application for the enrollment of yourself and your six minor children, Lucy F., George, Roxie M., William M., Joe M., and Joel C. Ward, as citizens by blood of the Cherokee Nation.

Respectfully,

Enc. D-97

Register.

Fame Dixby
Chairman.

COPY.

Cherokee D-711.

Muskogee, Indian Territory, October 12, 1903.

J. M. LaHay,
Attorney for Alexander G. Ward et al.,
Claremore, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of Alexander G. Ward for the enrollment of himself and his six minor children, Lucy F., George, Roxie M., William M., Joe M. and Joel C. Ward, as citizens by blood of the Cherokee Nation.

Respectfully,

Tame Dixby

Enc. D-98

Register.

Chairman.

Cherokee No.
D. 711

Muskogee, Indian Territory, January 10, 1907.

Lizzie Ward,
Claremore, Indian Territory.

Dear Madam:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. _____

Commissioner.

Cherokee D711

Muskogee, Indian Territory, March 14, 1907.

Lizzie Ward,

Claremore, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

RPI

Commissioner.

Cherokee
et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. C-100
LMC

Musee 3/5th 02

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the
matter of the application of *Allen S. Ward et al*

for enrollment as *Cherokee by blood* of the Cherokee Nation.

Cherokee

No. 1711

James S. Ward

[Faint handwritten text, possibly a continuation of the application or a separate note.]

[Faint handwritten text, possibly a continuation of the application or a separate note.]

P 211

It is true there is evidence
that the water is not hot
and that the water is not
hot. It is also true that
the water is not hot.

The water is not hot
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It is true there is evidence
that the water is not hot
and that the water is not
hot. It is also true that
the water is not hot.

Alexander G Ward

et al

40 ... 1823/00

3 ... 23/00

20 ... 11/16/00

1 ... M. Ward

1 ... Ward

1 Supplementary testimony 10/19/01

Notice of final consideration 3/7/02

Order closing testimony 3/7/02

See ... Sacket ... 330

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MAY 6 1906
IND.

REGISTRY RETURN RECEIPT.

Form 11-1548

Claremore, - I.T.

Alexander G. Ward

1900

REGISTRY RETURN RECEIPT.

Claremore I.T.

2393

2394

Gifford Ward

REGISTRY RETURN RECEIPT.

Claremore I.T.

Alexander G. Ward

agreed

REGISTRY RETURN RECEIPT.

Form 11-1548

Received from the Postmaster at

Register of Delivery No. 12412

Addressed to Alexander G. Ward

Date 1900

agreed

REGISTRY RETURN RECEIPT.

Form 11-1548

Claremore I.T.

MUSKOGEE, IND. TER.

NOTE: Mr. J. H. Way

CHSR D 712

CHSR D 712

Doubted as to applicant;

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I.T., October 25, 1909.

In the matter of the application of Jess Talbert for the enrollment of himself, wife and children as Cherokee citizens; being sworn and examined by Special Agent in Charge Brockbridge and examined by the Commission he testified as follows:

- Q What is your name? A Jess Talbert.
Q No middle name? A No sir.
Q How old are you? A 32.
Q What is your post-office? A Wagoner.
Q You make application as a Cherokee by blood? A No sir, as adopted.
Q You make application as a citizen of the Cherokee Nation by intermarriage do you? A Yes sir.
Q What district are you residing in? A Cowessaw.
Q You are living in the Cherokee Nation? A Yes sir.
Q How long have you lived in the Cherokee Nation? A 10 years.
Q Where did you live prior to that time? A Missouri.
Q Have you resided in the Cherokee Nation continuously since you came from Missouri 10 years ago? A Yes sir.
Q What is the name of your father? A George Washington.
Q Is he living? A Yes sir.
Q What is the name of your mother? A Tamer Belle.
Q Is she living? A No sir.
Q Your parents were both white? A Yes sir.
Q What is the name of your wife? A Mary Ann Crittendon.
Q Is your wife living? A Yes sir.
Q Is your wife a Cherokee by blood? A Yes sir.
Q What is the age of your wife? A 32.
Q What was her name before you married her? A Crittendon.
Q What is your wife's father's name? A Moses.
Q Is he living? A No sir.
Q Cherokee? A Yes sir.
Q What is your wife's mother's name? A Margaret.
Q Is she living? A Yes sir.
Q Is she a Cherokee or a white woman? A White woman.
Q How long has your wife lived in the Cherokee Nation? A All her life, I suppose.
Q No, she was born in Arkansas.
Q When did your wife come to the Cherokee Nation? A She was just 6 months old.
Q Has she lived here continuously ever since? A Yes sir.
Q Never been out of the Cherokee Nation within the past 3 years? A No sir.
Q You have never been outside the Cherokee Nation within the past 3 years? A No sir.
Q When were you married to your wife? A February 16, 1898.
Q Have you any evidence of your marriage? A No sir, I got my license burned up.
Q Where were you living at the time of your marriage? A Cowessaw.
Q Were you married according to the laws and customs of the Cherokee Nation? A Yes sir.
Q Who married you? A I forgot the man's name.
Q He was a minister; had Book was the man that issued my license.
Q In that district court did you see your license?
A It was in Cowessaw District, where I got my license.
Q You state that your license was burned? A Yes sir.
Q Is there anybody here who was present at your marriage? A No.
Q Can't you secure a certified copy of the marriage record by writing to the executive office at Tahlequah? A No, he never recorded the license, I understand there was 12 like me that Mr.

Head Book never recorded the license.

Q Give me the name of the eldest child for whom you now desire to make application? A Gora Elizabeth

Q How old? A Not quite 18 years; she will be next month.

Q What is the name of your next child? A Ethel.

Q How old is Ethel? A 10 years.

Q Has Ethel any middle name? A No sir, not as I know of, she may have but I don't recollect it.

Q What is the name and age of the next child? A Rosa.

Q What is her age? A She was born in 1891.

Q What is the name of the next child? A Terry.

Q What is the age of this child? A 4 years.

Q What is the name of the next child? A Ivory.

Q What is the age of this child? A 2 years.

Q Haven't any of your children midle names? A Yes.

Q Are these children all alive and living with you at the present time? A Yes sir.

Q Who is the mother of these children? A My present wife.

Q You are their father? A Yes sir.

Q Have you lived with your wife continuously since you married her in 1888? A Yes sir.

Q Were you ever married before you married your present wife? A No sir.

Q Was she ever married before she married you? A No sir.

1890 roll page 417 2434 Mary Crittenden Gairy make District Native

On rolls; 1890 roll page 326 4101 as Jesse Talbert Gairy make District

1890 roll page 264 24651 Mary Talb rt

1890 roll page 264 24652 Gora Talbert

1890 roll page 264 24653 Ethel Talbert

1890 roll page 264 24654 Rosa Talbert

Commission: The applicant applies for the enrollment of himself, his wife and 5 children; he is identified upon the census roll of 1890 as an adopted white; he avers that he was married to his present wife, Mary A. Talbert, nee Crittenden, on the 10th day of February 1888, but produces no satisfactory proof as to his marriage; he states that the license which was issued to him authorizing his marriage has been destroyed, and that he is unable to secure a certified copy thereof. He will be enrolled by this Commission as an intermarried Cherokee, upon what is known as a doubtful card, awaiting further proof as to his marriage with his present wife. He gives satisfactory proof as to his residence in the Cherokee Nation within the time prescribed by law.

His wife Mary A. Talbert, nee Crittenden, is identified upon the authentic and roll of 1890 under her maiden name as a native Cherokee; and upon the census roll of 1890 under her present name as a native Cherokee; satisfactory proof having been given as to her continuous residence in the Cherokee Nation, she will be listed for enrollment as a Cherokee by blood.

As to the application he makes for the enrollment of his five children; the first three are identified upon the census roll of 1890, according to page and number as set forth in the testimony; and they also will be duly enrolled as such by this Commission; satisfactory proof having been made as to their residence in the Cherokee Nation. As to the application of his two younger children, Terry and Ivory, their names do not appear upon the census roll of 1890, having been born since said rolls were compiled; when he files with this Commission properly executed affidavits as to the birth of these two children they likewise will be enrolled by this Commission as Cherokee by blood.

Jess Talbot et al. 8

the Commission to the Five Civilized Tribes he accurately recorded
the testimony and proceedings in this case and that the foregoing
is a true and correct transcript of his stenographic notes the fact,

M. J. Nease

Subscribed and sworn to before me this 25 day of October 1890.

M. J. Nease

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T., December 14, 1900.

In the matter of the application of James Talbert for enrollment as a Cherokee citizen; being sworn and examined by Commissioner Brockbridge he testified as follows:

- Q What is your name? A James Talbert.
Q You made application here once before for enrollment? A Yes sir, at Claremore.
Q What is the name of your wife? A Mary A. Crittendon was her name.
Q Were you ever married before you married her? A No sir.
Q Was she ever married before she married you? A No sir.
Q When was it you say you married her? A 1888.

HEAD BACK, being sworn and examined by Commissioner Brockbridge testified as follows:

- Q Give your name again there? A Head Back.
Q How old are you? A 67.
Q Your post-office? A Kansas.
Q You have lived in the Cherokee Nation all your life I believe you started? A Yes sir.
Q You used to be deputy clerk of Goingsnake district? A Yes sir.
Q Did you ever issue a marriage license to Mr. Talbert here?
A I did.
Q Did that license have anything to do with a big flood you ever had once down there about your house? A I don't think they did.
Q Was it ever destroyed in that flood? A I don't think they was, as well as I remember now; I don't want to testify to something that I ain't positive of.
Q You remember issuing him a license according to Cherokee law?
A Yes sir.
Q Did he have the necessary signers? A Yes sir, he complied with the requirements of the law.
Q And paid the fee required by law? A Yes sir.
Q Did you make a report of that to the Chief Clerk? A Yes sir.
Q You don't know about that license ever being destroyed, or anything of that sort, in your possession? A They wasn't destroyed; well now, there is a kind of catch there; after his license was issued I done my duty according to the requirements of the law, and after that he come to me and told me that he would rather have ten dollars than to have his license, and I paid him my individual money, not the money of the clerk if the clerk done his duty; I paid him 10 dollars of my individual money, and I don't remember whether he give me back the license or what become of them, I couldn't say positive; but as for Mr. Talbert's fix in regard to his marriage license, in the getting he fulfilled the requirements of the law, and I issued the marriage license.
Q And you gave him the ten dollars? A I give him ten dollars of my individual money.
Q How are you going to get that money back? A Well, sir, it went like the balance of my property in the flood, unless he is a gentleman enough to give it back to me.
Q And he gave you the license? A I think so.
Q And you gave him the ten dollars for the license? A That's my memory.
Q It isn't your giving him credit of the ten dollars, but you actually paid him ten dollars? A I paid him ten dollars in green back bills.
Q If you should go to the clerk and cancel all that proceedings

Jesse Talbert (sup) 2

you would get that ten dollars back? A Yes, but I didn't do that.

Q Did you just stand out that ten dollars? A Yes sir.

Q What inducement had you to make him a present of ten dollars?

A Well, he said he would rather have ten dollars than the license and I gave him ten dollars.

Q What good was that license after you got it back? A Nothing at all.

Q You just made him a present of that ten dollars? A I reckon so. I can't explain it any other way.

Q Are you in the habit of doing business that way? A No sir, not a single time.

Q Is he kin to you? A No sir.

Q Is he an old friend of yours? A Yes sir.

Q Did you have any particular affection for him and his family?

A No, only just good neighbors.

Q Any reason why you should make him a present of ten dollars more than any other man? A None.

Q Had he been married before he brought that license back to you?

A Not that I know of.

Q Was there any certificate of a preacher on that license?

A I don't remember, but I guess there was because I wouldn't have made an official report to the other clerk's office without it, and I did report one into the principal clerk's office.

Q Did he give any particular reason for rather having the ten dollars than the license? A If he did I don't remember it; it has been so long ago.

Q He just on general principal seemed to prefer the ten dollars than the license? A It seems so, yes sir.

APPLICANT RECALLED:

Q Now Mr. Talbert it looks as if you repented of paying out ten dollars for that license and that you concluded to get back that ten dollars and give back your license, but the deputy clerk says he had sent his report in and it had gone to the principal clerk's office, and you had better go to the executive office here and see if that license was ever reported to the proper officials.

Com'r: The applicant presents an official certificate from the executive secretary of the Cherokee Nation under date of December 13 1900, to the effect that he examined the marriage record of Going-snow district, and he fails to find any record relating to marriage between Jesse Talbert and Mary Crittenden; this is filed herewith.

WITNESS, HEAD RECK, RECALLED:

By Com'r Brockinridge:

Q Did this man Talbert say anything to you about your not having complied with the law in regard to the license? A They said they had been to the Clerk's office and they wasn't on record here at the Treasurer's Department I believe is the way I understood it, and I went and saw the principal clerk afterwards and he told me that all the marriage licenses had been recorded properly; I got after him about a report I had made.

Q But they hadn't been up to that time? A Hadn't been up to that time I reckon.

Q Did he demand that ten dollars of you because the law hadn't been complied with, or did he just demand that you give him ten dollars? A I couldn't say, it has been so long ago I don't remember.

APPLICANT RECALLED:

By Com'r Brockinridge:

Jesus Talbert (sup) 3

Q Mr. Talbert, how about that, did you get that ten dollars from the deputy clerk? A Yes sir.

Q How did you happen to get that ten dollars? A I found out there wasn't any record, and he said he would go to Mr. Garrett, he was the clerk of the district, and he goes to Mr. Garrett and he said he would issue me a new license and marry me over, and I had two children and I wouldn't do it; and I goes to Head and I tells him he ought to go to Bob and get him to put him on record; and he wanted my license and I wouldn't give them back, and he says here is ten dollars and I taken the ten dollars and went on about my business.

Q You kept the license yourself? A Yes sir.

Q What became of those? A I got them burned up.

Q Who was it you found had not conformed to the law, the deputy clerk or the chief clerk? A I don't know; I never did talk to Wright about the case.

Q Where was it you found out they hadn't conformed to the law?

A I wasn't the only one, but other men that got license and they said it was the record; and I went to this man here, he was the only man that I talked to about it, except Mr. Garrett, he was clerk at that time of the district; I had two children then and I wouldn't get married over.

Q And they acknowledged that they were not properly recorded?

A Yes sir.

Q And then you demanded your ten dollars? A No sir, I didn't demand it, he just gave it to me.

Q And you received it? A I received it, yes.

Q They gave it to you to close out the fact of their not having put it of record? A He handed me 10 dollars, and says let me have that license, and I says I want do it, I want to keep them.

Q How long was it after you were married until you found out they hadn't recorded your license? A It was probably three years; I had two children. I taken the license back when I got the certificate, I taken the license back to Head Back to get them recorded.

Q Did you leave it there? A Yes, left it there four days, and then got it back I think and before this come up I sent them to Mr. Garrett.

He wrote to me and told me to send them to him; I left them there while to get them recorded and he wrote to me to come and get married over; I wouldn't get married over on account of having two children; he wanted me to get married again to fill the requirements of that law thirty days; he couldn't record them over because the 30 days were gone.

Q You sent the license to Mr. Garrett to be recorded, when did you get that license back? A I went there and got them probably thirty or sixty days after that.

Q And they still hadn't been recorded? A No sir.

Q And you went and got it and put it in your pocket? A Yes sir.

Q When was it you got that money? A I don't recollect when it was; it was about a month I think after I got this license back.

Q About a month after you got the license back from Garrett himself? A Yes sir, it was after that time.

Q Was Head Back deputy clerk at the time you got back the ten dollars? A No sir.

Q He wasn't? A No sir.

Q He had ceased to be deputy clerk? A He had been, and Mr. Jack Wright and Mr. Garrett come in after that.

Q And you got that ten dollars from Mr. Head back? A Yes sir.

Q You showed him the license? A Yes sir. And he just pulled out the ten dollars and give it to you? A No, he wanted me to give him the license and I wouldn't do it, and he says I will give you ten dollars, and he just give me ten dollars; I told him I had been to a lot of trouble, and I would like to have ~~my money~~ him pay me for it, and he says I couldn't pay you unless you give me

James Talbot (supl. 4)


the license; I told him I wouldn't do it because I had the certificate on it and I wanted it to show, and he said I don't know anything about it, I will just give you ten dollars and handed me ten dollars and went on home.

Q Who was this man Garrett? A It was the clerk, and he told me Head Back said he would pay for it and it wouldn't cost me anything to get married over and that he wanted to get the license and I wanted to keep the land.

Com'r Breckinridge: This will be filed as additional testimony in the case D 712.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this December 17, 1900.



Commissioner.

MAR 12 1962

A. V. G. C. ... N.

C. D-712

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 7, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Jesse Talbert for the enrollment of himself as a Cherokee citizen.

Appearances:

Applicant in person, and by I. F. Bledsoe, Assistant Agent for the applicant; Choteau, I. T.

BY COMMISSIONER: The applicant was notified by registered letter February 17, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up by the Commission for final consideration at its offices in Muskogee, Indian Territory on the 7th day of March, 1902. Receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: 7th day of March, 1902, appears in person and by his agent, I. F. Bledsoe; Choteau, I. T.

W. H. CONNELLEY, being first duly sworn and being examined testified as follows:

BY MR. BLEDSOE:

- Q What is your name? A W. H. Connelley.
Q How old are you? A 53.
Q Where do you live? A Cowwasee District, Cherokee Nation.
Q You know Jesse Talbert? A Yes sir.
Q How long have you known him? A 25 years.
Q You know his wife? A Yes sir.
Q What is her name? A Mary Talbert.
Q What was her name before he married her? A Mary Crittenden.
Q Cherokee Indian by blood? A Yes sir, I suppose so.
Q You know when they were married? A I couldn't tell exactly; married about 14 years ago I suppose.
Q Did you ever see their marriage license? A Yes sir.
Q Was it a Cherokee marriage license issued by the Cherokee Nation? A Yes sir.
Q Regular Cherokee license? A Yes sir.
Q And is he still living in the Cherokee Nation with his wife? A Yes sir.

BY MR. HASTINGS:

- Q Who issued the license? A Head Beck.
Q In what year? A I couldn't tell you, Mr. Hastings, what year it was; it was about 14 years ago.
Q Did you see the license before they married or after? A I saw the license before they were married.
Q Where were they married? A Over on the prairie there somewhere from where I live.
Q Who married them? A I couldn't tell you that.
Q Was this man ever married before? A I couldn't tell you.
Q Did you ever hear of his being married before? A No sir.
Q Was his wife ever married before? A No sir.
Q This was the first marriage of each of them so far as you know? A First marriage of his wife I am certain.
Q Are they living together yet? A Yes sir.
Q Where? A About 6 or 7 miles from Wagoner.

MARGARET CRITTENDEN, being first duly sworn and being examined testified as follows:

BY MR. BLEDSOE:

- Q What is your name? A Margaret Crittenden.
Q What is your age? A About 61.
Q Where do you live? A Cowwasee District, about 10 miles from Wagoner.

- Q Cherokee Nation? A Cherokee Nation.
Q You know Jesse Talbert? A Yes sir.
Q You know his wife? A Yes sir.
Q What was her name before they married? A Mary Crittendon, my daughter.
Q Is she a Cherokee citizen? A Yes sir.
Q What relation is she to you? A My daughter.
Q You know whether he and her were married or not? A Yes sir.
Q How long have they been married? A About 15 or 16 years.
Q You know whether he got a Cherokee marriage license to marry her? A I don't know, I never did see the license; they said they did.
Q How long have they been living together as man and wife? A About 14 or 15 years.
Q In the Cherokee Nation? A Yes sir.
Q Still living together as man and wife? A Yes sir.
BY MR. HASTINGS:
Q Had either of them ever been married before? A No sir.

BY COMMISSION: The agent for the applicant and the representative of the Cherokee Nation present submit the case and same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

I, M. D. Green, do hereby certify that as stenographer to the Commission I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M. D. Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Jesse Talbert as a citizen by intermarriage of the Cherokee Nation.

DECISION.

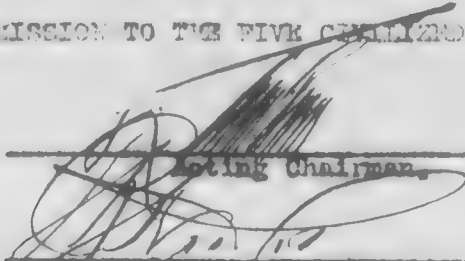
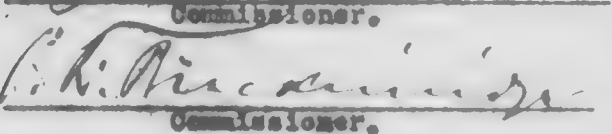
The record in this case shows that on October 26, 1900 Jesse Talbert appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment, among others, of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory on December 14, 1900, and at Muskogee, Indian Territory on March 7, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that Jesse Talbert was married to Mary A. Grittenden, a Cherokee citizen by blood, on February 16, 1898 under authority of the Cherokee marriage license. It further appears that said license was burned, and no record evidence of its issuance is found, but it is clearly established by personal testimony that the said Jesse Talbert was married to his wife Mary A. under authority of the Cherokee marriage license. The said Jesse Talbert is identified on the Cherokee Census Roll of 1896.

The evidence further shows that the said Jesse Talbert has lived with his wife in the Cherokee Nation since his marriage to her, and that he was a resident of said Nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Jesse Talbert should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of section twenty-one of the Act of Congress, approved June 26, 1896 (30 stats., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Muskogee, Indian territory,
this AUG 18 1902

Cherokee D-713.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., October 4, 1902.


In the matter of the application of Jesse Talbert for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Jesse Talbert.
Q What is your age? A Thirty-four.
Q What is your postoffice? A Wagener, I. T.
Q Are you the same Jesse Talbert that applied to the Commission for enrollment as an intermarried citizen on October 26, 1900? A Yes sir.
Q What is your wife's name? A Mary Ann Crittenden, her maiden name.
Q Is she living or dead? A She is living.
Q When were you and Mary Ann Crittenden married? A The 16th of February, 1888.
Q Were you ever married prior to your marriage to your wife, Mary Ann? A No sir.
Q Was she ever married before you and she were married? A No sir.
Q Have you and Mary Ann lived together as husband and wife from the time you were married up until the present time? A Yes sir.
Q You were living together on the first day of September, 1902, as husband and wife? A Yes sir.
Q Never have been separated? A No sir.
Q You never have been married to any other woman? A No sir.
Q How long have you lived in the Cherokee Nation? A About 18 years.
Q Have you lived in the Cherokee Nation all the time for the last eighteen years? A Yes sir.
Q Has your wife lived in the Cherokee Nation all the time since 1880? A Yes sir, she was raised here.
-

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.



Subscribed and sworn to before me this 22nd day of October, 1902.


Notary Public.

Cherokee D-712.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Jesse Talbert as a citizen by intermarriage of the Cherokee Nation.

DECISION.

--:0:--

The record in this case shows that on October 26, 1900, Jesse Talbert appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment, among others, of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, on December 14, 1900, and at Muskogee, Indian Territory, on March 7, 1902, and on October 4, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that Jesse Talbert was married to Mary A. Crittenden, a Cherokee citizen by blood, on February 16, 1898, under authority of a Cherokee marriage license. It further appears that said license was burned, and no record evidence of its issuance is found, but it is clearly established by personal testimony that the said Jesse Talbert was married to his wife, Mary A., under authority of a Cherokee marriage license. The said Jesse Talbert is identified on the Cherokee Census Roll of 1896.

The evidence further shows that the said Jesse Talbert has lived with his said wife in the Cherokee Nation continuously from the date of his marriage to her up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Jesse Talbert should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

James D. Doby.

Acting Chairman.

(SIGNED).

I. D. Needles.

Commissioner.

Dr. John H. Smith.
Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 10 1902

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 712.

Muskogee, Indian Territory, August 18, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 18, 1902, granting the application of Jesse Talbert for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,


Acting Chairman.

Enc. C. No. 7.

CPW

COMMISSIONERS:
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-712.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 15, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

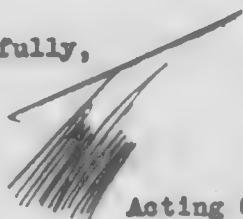
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Jesse Talbert for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. H-248.

Jesse Talbert

(1) Civil Testimony 1/26

(2) Deed of Abandonment 1/26/01

Supplemental testimony 1/14/01

Deed of Abandonment 1/26/01
relative to marriage record

Notice of final consideration, 3/7/01

pp. 100-101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

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Department of the Interior,
Commission to the Five Civilized Tribes.
Vinita, I. T., September 24, 1900.

In the matter of the application of Emma Renfrow for the enrollment of herself and children as citizens of the Cherokee Nation of Shawnee blood; said Renfrow being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Emma Renfrow.
Q How old are you? A 42
Q What is your postoffice? A Afton.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation?
A Yes sir.
Q By blood? A Yes sir.
Q What degree of blood do you claim? A Shawnee.
Q How much Shawnee? A Pretty near full blood.
Q For whom do you apply? A Myself and two children.
Q What is the name of your children? A Alice Gertrude Grass.
Q How old is she? A 20 her next birth day.
Q The name of the next one? A Felix G. Cowan.
Q Is he a son of your husband Cowan? A Yes sir.
Q How old is Felix? A He will be 14 his next birthday.
Q Are these children alive and living with you? A Yes sir.
Q What is your maiden name? A Bluejacket.
Q What was your name in 1880? A Grass.
Q Your first husband's name was Grass? A Yes sir.
Q What was his first name? A Benjamin.
Q Is he living? A No sir.
Q What is your next husband's name? A Felix Cowan.
Q Is he living? A Yes sir.
Q What is the name of your present husband? A I have got none
we are divorced.
Q How do you got thr name of Renfrow? A He was my third husband
and we are divorced.
Q Your name was Grass in 1880? A Yes sir.
Q What was your father's name? A Henry Bluejacket.
Q Your mother? A Eliza Bluejacket.

1880 enrollment; page 220, #121, Emma Bluejacket, Delaware.
1896 enrollment; page 611, #308, Emma Renfrow, Delaware.
1896 enrollment; page 604, #206, Gurtie Grass, Delaware.
1896 enrollment; page 600, #115, Felix Cowan, Delaware.
Commissioner: The name of Emma Renfrow appears upon the authenticated roll of 1880 by her maiden name Emma Bluejacket, as a Shawnee. The name of her oldest child, Alice G. Grass, appears upon the census roll of 1896, as well as her youngest child Felix G. Cowan, a child of her second husband. They all being duly identified according to the page and number of the rolls as indicated in their testimony, and having made satisfactory proof as to their residence the said Emma Renfrow, and her children Alice G. Grass and Felix G. Cowan will, be duly listed for enrollment by this Commission as Cherokee Citizens of Shawnee blood.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof

J. O. Rosson.

Subscribed and sworn to before me this 26th day of September 1900.

T. B. Needles, Commissioner.

I, the undersigned, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the foregoing copy and that the same is a true and correct copy.

Subscribed and sworn to before me this 16 day of July 1902.

Celia Miskany
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE SEVEN CIVILIZED TRIBES.
CLAREMORE, I. T., FEBRUARY 26th, 1900.

IN THE MATTER OF THE APPLICATION OF Robert J. Holly for the enrollment of himself and child as citizens of the Cherokee Nation, and the said Robert J. Holly appearing before the Commission, and being sworn by Commissioner, C. R. Breckinridge, testified as follows:

By the Commission:

- Q What is your name? A Robert J. Holly.
Q How old are you? A Twenty seven.
Q What is your Postoffice? A Gatoosa.
Q Do you make application as a Cherokee by blood?
A No sir; by adoption.
Q For whom are you applying? A Myself and child.
Q Is your wife living? A Yes sir.
Q Do you not want to make application for your wife? A No sir.
Q How long have you lived in Coowascoowee District?
A Ever since 1892.
Q Where did you live prior to that time? A In Kansas.
Q Have you lived in the Cherokee Nation continuously since you came from Kansas; since 1892? A No sir.
Q Have you been outside of the Cherokee Nation in the past three years for any purpose? A Only on business.
Q How long were you out? A Something less than a year.
Q Were you out a year at a time? A No sir; something less than a year; about eight months.
Q What was your business while you were out? A I was sent to different places: I am a lineman by trade.
Q Did you exercise the right of suffrage in the States? A No sir.
Q Did you vote there? A No sir.
Q What is your father's name? A Goe Holly.
Q Is he living? A Yes sir.
Q What is your mother's name? A Hannah Holly.
Q Is your mother living? A No sir.
Q Did they ever claim to be citizens of the Cherokee Nation?
A Not that I know of.
Q What is the name of your wife? A Ada B. Holly.
Q Is your wife living? A Yes sir.
Q Is she a Cherokee by blood? A Yes sir.
Q How old is your wife? A She was seventeen when we were married in 1893.
Q Makes her about twenty four years of age now? A Yes sir; up there some wheres.
Q What was her name before you married her? A McDaniel.
Q What is her father's name? A Alex McDaniel.
Q Is he living? A He was the last I heard of him.
Q Is he a Cherokee by blood? A Yes sir.
Q What is your wife's mother's name? A I do not know.
Q Is she a Cherokee by blood; your wife's mother? A I think so; yes sir.
Q Is she living or dead? A I think she is dead.
Q Does your wife's name appear upon the roll of 1860?
A I do not know.
Q How long has your wife lived in the Cherokee Nation?
A She was born and raised in the Cherokee Nation.
Q Has she ever been outside of the Cherokee Nation to live?
A I do not know.
Q When were you married to your wife? A In 1893.
Q Have you any evidence of your marriage? A Yes sir.

The applicant presents a Cherokee marriage license, authorizing marriage between R. J. Holly, and Miss Ada B. McDaniel, a citizen of the United States, and Miss Ada B. McDaniel, a citizen of the Cherokee Nation, issued on the 8th day of March, 1893, by H. H. Trett, Coowascoowee District; and the license shows that said

marriage was solemnized on the 19th day of March, 1893, by A. A. Drown, Minister of the Gospel. The license is filed herewith.

Q Where were you living at the time of your marriage? A At Catoosa.

Q Were you ever married previous to your marriage to your present wife? A No sir.

Q Was she ever married before she married you? A No sir.

Q Are you living with your wife at the present time? A No sir.

Q When did you leave her? A I can not say that I left her.

Q When did you separate? A We separated two years after our marriage.

Q Did she leave you, or did you leave her? A She left me.

Q What was the cause of the separation? A I can not say; she just got dissatisfied with married life.

Q Did you always treat her as a husband should treat a wife?

A Yes sir.

Q How long did you live with her as your wife? A About two years.

Q Have you ever lived with her since you were separated? A Not since the last time; Not since we were in Court together here.

Q Were you ever divorced from her? A Yes sir.

Q Who secured the divorce; you or your wife? A I understand we both did.

Q Who made application for divorce? A We both made application for divorce.

Q Was the divorce granted to you or to her? We had a contract: She signed a contract, and we both agreed on both being divorced.

Q Have you that contract with you? A No sir; not at present.

Q Have you a copy of the decree of divorce? A No sir; I can get that.

Q Where was the divorce granted? A Claremore.

Q In the Tribal Courts, or the United States Court?

A In the tribal courts.

Q When was that? A About ~~xxx~~ three years ago I believe /

Q You and she have never lived together since that time? A No sir.

By Mr. Cale Starr, Cherokee Representative:

Q Did she bring suit for divorce? A Yes sir; and I brought one also.

Q Was summons served on you to answer in Court? A Her suit was withdrawn; then I brought suit.

Q A summons was served on you to answer in Court? A Yes sir, and she also: I sued first: My suit was in Court when she filed her last suit.

Q When you separated, did you leave her home, or did she leave your home? A She left my home.

Q Who kept the place you were living on? A I did.

Q Who has it now? A I ~~had~~ had it up until I disposed of it: I have papers from the Court, showing that the place belonged to me, with her signature that she signed over to me.

Q What was the actual cause of the separation? A She just got dis-satisfied with married life: I never mistreated her: I always treated her as a husband should treat a wife.

Q Have you actually lived in the Cherokee Nation ever since you were married to her? A Yes sir.

Q Is it not a fact that you lived in Oklahoma part of the time?

A No sir; I have been there on business, but never lived there.

Q What business did you have there? A I am a lineman by trade, and had work for the Missouri and Kansas Telephone Company.

Q Where is your home now? A Catoosa.

Q Have you a home there, or do you just stop there? A I have property there, and a farm the other side of Catoosa.

Q Have you ever been married since you separated from your wife?

A No sir.

Q Has your wife? A Yes sir.

Q What is her name now? A Sage.

By the Commission:

Q Has your wife made application to the Commission for enrollment? A Not that I know of; I do not know.

Q What is the name of the child for whom you now desire to make application? A Ethel A. Holly.

Q How old is this child? A Six years old.

Q Is this child living at the present time? A Yes sir.

Q Is it living with you? A Yes sir.

Q Living at your home in Catoosa? A It is with my sister in Catoosa: I am with it a great part of the time.

Q I thought you said you had a home in Catoosa? A I have property in Catoosa: That is what I call my home. I call my home at the farm; and I have property in Catoosa: I have no particular home: I am not keeping house or anything like that: I have property there.

Q Where do you reside; in Catoosa? A Yes sir.

Q What is your occupation there? A I am a lineman by trade.

Q Do you find sufficient work in Catoosa to make your living?

A No sir, not at Catoosa.

Q Is it not a fact that you do most of your work out of the Cherokee Nation; and that you are out of the Territory most of the time?

A No sir; I am not out most of the time.

Q How long has it been since you were out of the Cherokee Nation?

A The last work I did for the Missouri and Kansas Telephone Company - I came in from Oklahoma yesterday.

Q How long were you out? A Right near eight months.

Q Where were you working before you went to Oklahoma eight months ago? A In June I were in the Creek Nation.

Q When did you work last in the Cherokee Nation? A I was in - I worked last at Catoosa.

Q How long did that work last? A I can not say.

Q A month; a year, or two years? A It did not last that long: I worked in Catoosa for two weeks: I was out of Catoosa a month or two.

Q When you were out of Catoosa; were you still in the Cherokee Nation? A The last work I did there.

Q Then you have resided in the Cherokee Nation two weeks; and the balance of the time; you were working out of the Cherokee Nation?

A I was out and in: I have been in the Creek Nation and the Chick-saw Nation, following the line through.

Q How long have you actually resided in the Cherokee Nation in the past year? I have not been out of the Cherokee Nation only a few months before I did this last work at Catoosa; and in the last year I have been here eight months.

Q You mean you were in Oklahoma? A I was traveling a round through Oklahoma.

Q Do you own property in the Cherokee Nation? A Yes sir.

Q What kind of property? A Town lots and a farm.

Q Did you ever work the farm yourself? A No sir; not this one: I worked the one she (his former wife) signed over to me.

Q Are you receiving any rents from this farm? A Yes sir.

Q Have you any improved lots? A Yes sir.

Q Also receive rent from them? A Yes sir.

Q When the divorce was granted, were you or ~~your wife~~ was your wife granted the custody of the child? A I was given the custody of the child in Court.

Q Well then this property belongs to the child; this property your wife formerly had that she concluded to give to you? A It was given to me.

Q Signed over in your own name for the benefit of the child?

A No sir; it was supposed that I could do as I pleased with it. Of course I provide for the child.

Q Where was your wife living twenty years ago? A I can not say myself.

Q You do not know your wife's mother's name? A No sir: If I understand it right, I do not know whether - I suppose she was with her in 1880.

Q Is there any one here that knows your wife, or knew her when she was a child? A There probably is: Here is Bud McDaniel.
Q How is he related to your wife? A I do not know.

(1880 Roll, Page 348, #724, Edar McDaniel, Saline District)
Q When was your wife married to Sage; how long ago? A I can not tell about; in a short time after we were divorced.
(1896 Roll, Page 261, #4589, Ada Sage, Cooweescoowee District -
(1896 Roll, Page 308, #466, J. R. Halley, Cooweescoowee D'st)
(1896 Roll, Page 162, #2405, Ethel A. Holly, Cooweescoowee D'st)

The applicant, Robert J. Holly applies for the enrollment of himself and his daughter, Ethel A. Holly. He is identified upon the census roll of 1896, as an adopted white: He produces Cherokee marriage license and certificate, showing that he was married to one, Ada B. McDaniel, on the 19th day of March, 1893: He avers that he lived with her about two years; that they then separated, and that a divorce was granted to him, together with the custody of their child, Ethel A. Holly: He fails to produce the decree of divorce, or a certified copy of the record: Attention is called to Section Six Hundred and Sixty seven, of the Compiled Laws of the Cherokee Nation, of 1892, which reads as follows: "Every person who shall lawfully marry under the provisions of this Act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship in this Nation".

The applicant will be duly listed for enrollment by this Commission as an intermarried citizen of the Cherokee Nation, upon what is known as a doubtful card, for the further consideration of the Commission: And when final judgment is rendered in his case, he will be notified at his present Postoffice address: The applicant is required to file with this Commission the original decree of divorce, or a certified copy thereof.

As to the application he makes on behalf of his child, Ethel A. Holly, the mother of this child, Ada B. is identified upon the authenticated roll of 1880, under her maiden name, McDaniel, as a native Cherokee: She is also identified upon the census roll of 1896, under the name of her present husband, Sage, also as a native Cherokee. The child, Ethel A. is identified upon the census roll of 1896, as a native Cherokee, and she will be duly enrolled as such by this Commission.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R R Cravens

Subscribed and sworn to before
me this 26th day of October, 1900.

M D Greer

NOTARY PUBLIC.

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I.T., November 13, 1900.

In the matter of the enrollment of Robert J. Holly as a Cherokee citizen.

Ada Sage, being sworn and examined by Commissioner Needles, testified as follows, -

Q What is your name? A Ada Sage.

Q How old are you? A 24

Q What is your post-office address? A Dawson.

Examined by Cherokee Attorney W.W.Hastings:

Q What was your maiden name? A McDaniel.

Q Were you ever married to Robert J. Holly? A Yes sir.

Q You had one child by him. A Yessir.

Q What was this child's name? A Ethel Amelia Holly.

Q How long did you live with him. A I lived with him about a year; we parted two or three times though.

Q What was his treatment of you while you were living together?

A He wouldn't let me see any of my people; he wouldn't let me get any letters from them; he taken all the Strip money.

Q Did you get a divorce from him. A Yessir.

Q What were the grounds that were alleged for the divorce? A Cruelty.

Q You secured the divorce? A Yes sir.

Q Now did he leave your place or did you leave him? A We wasn't livin' at our own place; we was living at another woman's, and he left me and took the child, and he never would allow me to see it any more.

Q Where did he take the child to? A Taken it to Perry, Oklahoma

Q Since the separation where has he and the child been? A It has been at Perry, Oklahoma.

Q Has he been living at Catoosa since that time? A No sir.

Q You have lived near Catoosa since that time have you? A Yes sir

Q All the time? A Yes sir.

Q You swear positively that he hadn't been living in that neighborhood? A Yes sir; he brings the child, but he has had the child there about twice in the last five years in Catoosa; he stays about a week with it and he goes back

Q And he has been living you say continuously in Oklahoma since that time? A Yes sir.

He hasn't had the child at Catoosa two weeks since he taken it away.

Q You say he squandered the Strip money. A Yes sir.

Q You got none of the proceeds out of it. A No sir.

Q You say he provided you with a home? A He bought a place and sold it.

After we separated he give it to Jim Akin

for a law suit.

That was bought with the Strip money.

Q With your Strip money? A Yessir.

By Com'r Needles:

Q Was he generally cruel and unpleasant to you in every way?

A No sir, only he just wouldn't let me go no place; wouldn't let me speak to my people, and he never would take a letter to the post-office for me and never would bring one back; he would tear them up before he got home with them.

Q He never would let you do anything of that kind? A No sir.

M.D.Green, being first duly sworn, states that as stenographer to

Robert J. Helly 2
Sup. Ada Sage, witness

the commission to the Five Civilized Tribes he correctly recorded
the testimony and proceedings in this case and that the foregoing is
a true and complete transcript of his stenographic notes thereof.

Madison

Subscribed and sworn to before me this 14th day of November 1900.

W. H. H. H.

Commissioner.

C. D-713

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 7, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Robert J. Holly for the enrollment of himself as a Cherokee citizen.

Appearance:

W. V. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 17, 1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the 7th day of March, 1902. Receipt has been acknowledged of the Commission's letter and the case being this day called, to-wit: the 7th day of March, 1902, applicant fails to respond, either in person or by attorney.

BY MR. HASTINGS: The Cherokee Nation offers in evidence the certified copy of the decree of divorce between Ada B. Holly and Robert Holly, granted the regular June Term of Cooweescoowee District, Circuit Court, 1896.

BY COMMISSION: The applicant failing to appear either in person or by attorney it is directed that the case be closed and submitted to the Commission for final decision, based upon the evidence now of record.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M. D. Green

Supplemental, Cher. D-712.

Department of the Interior,
Commission to the Five Civilized Tribes,
Catoosa, I. T., June 17, 1902.

Supplemental testimony and proceedings in the matter of the application of Robert J. Holly for the enrollment of himself as a Cherokee citizen by intermarriage and for the enrollment of his child as a Cherokee citizen by blood;

DORA McKeehan, being first duly sworn, and being examined, testified as follows:

BY COMMISSIONER:

Q What is your name? A Dora McKeehan.

Q How old are you? A 32.

Q What is your post office address? A Catoosa, I. T.

Q Do you know Robert J. Holly who has applied to the Commission for enrollment as a citizen by intermarriage of the Cherokee Nation? A Yes sir.

Q Is he any relation to you? A Yes sir, my brother.

Q He has a child, has he not? A Yes, Ada Holly.

Q Where is Robert J. Holly now? A Well I suppose he is in Wichita, Kansas, I received a letter from him yesterday from Wichita.

Q How long has he been there? A Well I could not say, not but a few days.

Q How long has he been out of the Cherokee Nation? this last time?

A Last fall is all I can say, I can't remember the date. If he has been in the Territory since I don't know; the Company goes one place and another.

Q In what business is your brother engaged? A He is a lineman with a telephone company.

Q Prior to his leaving the Territory in last fall how long had he resided here continuously? A Well he was just back and forth; he has no residence any place; he considers this his home.

Q Has he any property here? A Yes sir.

Q What does that property consist of? A Town lots in town and of Catoosa, I. T., and he has a place in the country, a farm.

Q Does he receive yearly rents from that property? A From the town lots he does; I don't know what kind of contract he has for his place.

Q Do you know where he was in the year 1898? A He was here at Catoosa.

Q All through that year? A Yes sir.

Q What business was he engaged in at that time? A He opened up a rock quarry here near Catoosa and furnished rock for the Frisco Railroad Company about five miles from this place, and then part of the year he worked as a farm hand near Catoosa, in the Cherokee Nation.

Q After his marriage to his Cherokee wife, now Ada Sage, how long did your brother live with her? A They separated in about three months and was apart about a week, then they lived together until their child was born, she must have been about, I couldn't say exactly but she must have been about four or five months old when they separated again; she left him and sued him for a divorce, and he filed against her and answered in the Court and beat her in the suit, she failed to get the divorce, then he brought her home from Claremore and they lived together, but they boarded, they didn't keep house; then they were talking of going to keeping house but he was afraid to attempt it again because

he didn't know just how things would go, and then they made a contract in regard to the child, if they should separate again that she was to give him the child, if she left him any more or if they separated any more.

Q Do you know where that contract is? A Yes sir, I have it here.

Q Let me see it, please? A (Produces papers.)

By Commission: There is here presented a paper, dated at Claremore, I. T., Nov. 19, 1894, purporting to be an agreement between Robert J. Holly and Ada B. Holly, husband and wife, in regard to the custody of their child, Ella E., which document is signed, "Robert J. Holly, Ada B. Holly, and Milton Thompson, J. J. Dean, Witnesses." This document is filed herewith and made a part of the records in this case.

Q Then how long did they continue to live together after the making of this contract which you have just exhibited? A That contract was made in November, 1894, and they lived together until the last of January 1895 when she had him take the baby away.

Q At that time did he leave her or did she leave him? A She left him, she sent for him to take the baby away; she was boarding and left the place where he was paying her board.

Q Since that time have they lived together as husband and wife and kept house? A I don't know how to answer that, they have lived together, but they have never kept house, then she sued again for divorce, it was sometime in 1895.

Q Did she secure a divorce at that time? A They compromised, and he gave her the divorce; he sued her then, he made suit too after she sued, and they compromised and he agreed to let her have the divorce, and she gave him custody of the child and withdrew her complaints again him.

Q What were her complaints, what were the grounds that she alleged for the divorce? A I read the paper but I couldn't say couldn't make any such statement that she made. She told me afterwards the lawyer told her she had to have some complaints.

Q Did she allege cruelty and desertion? A I think so.

Q A copy of that decree of divorce has been filed with the Commission, has it not? A Yes sir.

Q Since this divorce has your brother Robert J. Holly lived most of the time out of the Territory or in the Territory? A He has lived most of his time in the Territory.

Q When did he first leave the Territory after that divorce, if you remember? A He left in March, 1899, but returned again and I see by his Woodman Certificate that he was here in May, and got his beneficiary in May of 1899, he went to the hospital with a brother of mine, that is where he went at that time.

Q Then it is not true that he has lived in Oklahoma for some five or six years? A No sir, it isn't, but he has been in and out, back and forth for the last two years. He comes whenever his business will allow him.

Q When he was here last in last fall how long did he stay? A He was

only at home a couple of weeks, he was compelled to return to the Company or lose his position.

Q Where is this child of his now, Ethel Amelia Holly? A El Reno, Oklahoma.

Q How long has it been there? A She has been going to school there for nearly three years, but comes home occasionally.

Q Where is her home? A She considers her home with me, in Cateesa, Indian Territory. I keep her sometimes a year at a time, there are no schools here and he is obliged to take her away.

Q When was she here last? A She has not been here for about a year.

Q Does she sometimes spend her vacations in Oklahoma? A She sometimes spends her vacations at Perry, Oklahoma, with her grandmother.

Q Was Robert J. Holly residing here at Cateesa, and near there all through 1900? A In the fall of 1899 he went to work for that Telephone Company, and he was here part of the time and part of the time in the Territory with that Company and also part of the time in Oklahoma.

Q In 1900 what part of the time was he here and what part of the time was he out? A I could not say, because I don't remember what times he returned home.

Q Most of the time during 1900 he was away was he? A Yes sir.

Q Do you know when he made his application before the Commission in 1900? A The Commission was at Claremore in October, 1900, and he came right on the first four or five days after the Commission came to Claremore, he came right on and brought his baby with him.

Q Where did he bring that child from at that time? A El Reno.

Q How old is that child now? A She was eight years old the first day of February, this year.

Q How long has she been going to school in Oklahoma? A The place where she is staying she went there before she was old enough to go to school, and Mrs. Lowe taught her at home and she entered school there about two years ago I think, I think she started when she was six, because she is in the second grade now, and she writes splendid.

JOHN L. DENBO, being sworn and examined testified as follows:

BY COMMISSION:

Q What is your name? A John L. Denbo.

Q How old are you? A 28.

Q What is your post office address? A This place, Cateesa, I.T.

Q What district do you live in? A Coconawapaw.

Q You are a citizen by blood of the Cherokee Nation? A Yes sir.

Q Do you know Robert J. Holly, who has made application to the Commission for enrollment as a citizen by intermarriage of the Cherokee Nation? A Yes sir, I am acquainted with him.

Q He has a child has he not? A Yes sir.

Q What is that child's name? A I don't know the child's name.

Q Where is Robert J. Holly now? A Well I hardly know where he is, unless he is in Oklahoma or Kansas, some place.

Q How long since he has been in the Cherokee Nation to your knowledge.

A I judge he was here back here sometime last year, I will say at any rate; I don't remember.

Q When he was last here how long did he remain, if you recollect?

A Not long, day or two or a few days, so far as I remember.

Q Do you know where his residence has been for the past five years?

A Most of that five years it has been this place, until he has been out there; most of the last five would be here.

Q Do you know where he was living in June 1898? A Here.

Q How do you know he was here on that particular date? A From our books here, he was running an account with us I see each month in that year we had him on our books and we were doing business with him.

Q Purchases were made by him in person from your firm during every month of 1898? A Yes sir.

Q Let me see the account run with your firm by Robert J. Helly for June, 1898? A (Produces books.)

By Commission: Here the witness produces ledger, purporting to be ledger of firm of Gravitt and Dunbo, Ottawa, I.T., and on page 128 appears the account with one Bob Helly, dated 1897, running through the following months, November, December, then in 1898 under same heading, it is shown that "mice" was purchased by this party of the above named firm, in January February and March. Here the account is carried forward top-- and runs through April, May, and up to June 25, 1898, when balance is struck and account carried forward to page 317, where are recorded purchases on June 28th, July, August, September, October, November, December, and in January, 1899, another balance was struck, then the account is transferred to another ledger, where it runs through 1899 up to and including the month of May, 1899, where it ceases.

Q That account is with one Bob Helly, is that that the same person as the Robert J. Helly of whom inquiry has been made of you? A Yes sir

Q Now from your books it appears that a balance was drawn off in that account, of date June 25, 1898, and that the account was not opened again until June 28th, 1898, can you tell where Robert J. Helly was during the interval between these dates? A No sir I can't say, yes, I judge by making that balance he was working on that railroad here possibly on the 21st and the 21st was pay day and I balanced the book the 21st of the month instead of the first of the month.

Q So you can testify positively can you that Robert J. Helly was here all during the year 1898? A Yes sir, that is I can from this book.

Q This child of his, do you know where it is now? A I judge it is out in Oklahoma, I could not say.

Q How long since that child was here? A Well I could not say unless it was I suppose sometime during last year.

Q Is it living in Oklahoma, if you know? A I judge it is, I am not positive but I suppose that is where it is.

Q Is it out there most of the time or is it here most of the time?

A For the last 12 months it has been out there practically all the time, since he is not married it is with its grandmother and where there is better schooling and where its grandparents can look after it.

Q Does it sometimes make its home with its aunt here Mrs. McKeehan?

A Yes sir.

I knew it stayed out here with her.

Q Do you know where that child was about 1898? A I suppose it was here, I am quite sure of it while I am not positive enough of it to swear it.

Q Do you know where that child was in 1900, in October? A No sir

I do not.

Q You don't know whether it was here or not? A No sir.

Q In regard to the separation of Robert J. Holly from his wife, do you know anything about that? A Nothing only that my information is he just got up and quit her; he was a hard working boy here.

Q You don't know anything of your own personal knowledge then about the trouble between them, you don't know whether he left her or she left him? A The general talk was th t she got up and left him.

Q Who sued for the divorce? A I couldn't say which one it was.

RICHARD DUCK, being sworn and examined testified as follows:

BY COMMISSION:

Q What is your name? A Some calls me Dick Duck, Richard Duck.

Q How old are you? A I am 67.

Q What is your post office address? A Catoosa, I. T.

Q You live in Cooweescoowee District? A Yes sir.

Q You are a citizen by blood of the Cherokee Nation? A Yes sir.

Q Are you a full blood Cherokee Indian? A Yes sir.

Q Do you know Robert J. Holly, a white man, who has made application to this Commission for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation? A Yes sir. I know him.

Q He has a child has he not, by his Cherokee wife? A Yes sir.

Q What is that child's name? A I don't know.

Q How old is it? A She must be three or four years old now., I don't know, I never paid any attention to it.

Q Where is that child now? A I don't know where she is, they had her off to school somewhere in Oklahoma.

Q Where is Robert J. Holly now? A He is over there too I guess somewhere, he is just there and here and everywhere.

Q How long since he was in the Cherokee Nation? A He was here last summer.

Q How long did he remain? A Why he stayed around here and worked on the section awhile, I don't know how long he stayed, I never paid any attention to it.

Q You don't know how long Robert J. Holly stayed here last summer, was it one month or one day or two months or two days? A I could not say, he might have stayed a month for all I know.

Q Where did he come from when he came here last summer? A He come from Oklahoma I think here.

Q How long had he been in Oklahoma when he came here last summer?

A He went there I think in the winter I think I don't know what time he did leave here.

Q Did he leave here in the winter of last year and go to Oklahoma?

A I think he did.

Q Prior to leaving here in the winter of last year, 1901, and going to Oklahoma, how long did he live here? A He lived here several years, I could not tell you exactly how long he lived here several years.

Q Do you know anything about the separation between himself and wife? His wife, Ada? A No sir, I don't.

Q Did he leave her or did she leave him, if you know? A The woman left the man.

Q Do you know for what reason? A No sir, I don't, she left the house where they were living and went away; no, I don't believe she did, she still stayed there and Bob he left he was the one that moved off the place after he moved off this month then told Bob Holly to come

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and get the child, she didn't want it there, and Bob went and got it, and Bob told her just whenever she wanted to see the child to come over in town and she still lived on the home place, they got into a law suit after that; after she married another man she went back on the place and jumped the place and they got into a law suit about it and Bob Helly and the child gained the place.

Q Do you know whether or not Robert J. Helly secured a divorce from this woman or whether she secured a divorce from him? A I don't know which one got the divorce, I could not say.

Q You know nothing about the divorce and the causes assigned for divorce? A No sir, I don't.

Q There were several separations between these parties were there not before that finally occurred? A No I don't know anything about that positive, I know they was parted.

This testimony will be filed in the case of Robert J. Helly, et al., Cherokee D 712.

---:---:---

I, M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D.Green

James H. McLaughlin

James H. McLaughlin

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AUG 7 1903

[Signature]

CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee and Office,
Tahlequah, I.T., July 29, 1903.

In the matter of the application of Robert J. Holly for
enrollment as a citizen by intermarriage of the Cherokee Nation.

SUPPLEMENTAL TESTIMONY.

ROBERT J. HOLLY, being duly sworn and examined by the
Commission, testified as follows:

- Q What is your name? A Robert J. Holly.
Q How old are you? A 30.
Q What is your postoffice address? A Catoosa, Indian Territory.
Q Did you apply to this Commission in 1900 to be enrolled as a
citizen by intermarriage of the Cherokee Nation? A I applied
at Claremore.
Q In November, 1900, wasn't it? A I believe it was; that was
when I went to Claremore, yes.
Q Applied at that time as a citizen by intermarriage, didn't
you? A Yes sir.
Q Was your wife living at that time? A Yes sir.
Q What was her name? A Ada B. Holly.
Q Were you and she living together then? A No sir.
Q You had no wife at that time with whom you were living?
A No.
Q Since you applied for enrollment have you married? A Yes sir.
Q What is the name of your present wife? A My present wife's
name is Harriet J. Holly.
Q What was her maiden name? A Her name before I married her was
Harriet J. Deam.
Q What was her maiden name? A I don't know.
Q When were you married? A August 7th, last.
Q 7th of August, 1902? A Yes sir.
Q Is your present wife a citizen of the Cherokee Nation? A No.
Q Does she claim to be anything else than a white woman? A No.
Q Does not claim any rights at all as a citizen of the Cherokee
Nation? A No sir.
Q You and she married under regular license? A Yes sir.
Q Have you your marriage license and certificate with you?
A It's at the room; I never thought to bring it.
Q You and she are living together at this time are you? A Yes.

Mabel F. Maxwell, being duly sworn, states that as steno-
grapher to the Commission to the Five Civilized Tribes, she cor-
rectly recorded the supplemental testimony in this case and that
the above is a true and complete transcript of her stenographic
notes thereof.

Subscribed and sworn to before me
this 30th day of July, 1903.

Mabel F. Maxwell

Samuel Foreman
Notary Public.

DEPT. OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 24 1900

 ACTING CHAIRMAN

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CHEROKEES BY BLOOD AND ADOPTION.

Name Robert F. Holly Date Oct 26, 1900 1900.
District COOWESCOOWEE. Year 1896 Page 308 No. 468

Citizen by blood no Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children

<u>Robert F. Holly</u>	Dist. <u>COOWESCOOWEE</u>	Year <u>1896</u>	Page <u>105</u>	No. <u>105</u>	Age <u>6</u>
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

100 1896 Dallas J.R. Holly
Certified copy or original to be supplied decree of divorce

CHEROKEE NATION, I. T.)

Coweeskoowee District.

I A. A. Drown a Minister of the Gospel
hereby certify that on the 19th day of March
Mr. Robert F. Holley 1893, I joined in Marriage,
Miss Ada B. McDaniel a citizen of the United States, and
a citizen of the Cherokee Nation, agreeable to the authority
given in the within License and the customs and laws of the Cherokee Nation.

Given under my hand this the 20th day of March A. D., 1893

A. A. Drown

Indian Christian Post, Vinita, Ind. Ter.

The postman has
Recorded in Book
B. Page 203. Book
of Marriages - this
the 12th day of April
1893 - at 11th Street
in W. H. Drown
1893

RECEIVED
APR 12 1893
DEPT. OF THE INTERIOR
WASHINGTON

CHEROKEE NATION, I. T. }

Coweeskowee District.

I, *A. A. Brown*, a Minister of the Gospel,

hereby certify that on the *19th* day of *March*, 189*8*, I joined in Marriage,

Mr. *Robert A. Holey*, a citizen of the United States, and

Miss *Ada M. Maxwell*, a citizen of the Cherokee Nation, agreeable to the authority

given in the within License and the customs and laws of the Cherokee Nation.

Given under my hand this the *20th* day of *March*, A. D., 189*8*

Indian Christian Print, Viola Ind. Ter.

A. A. Brown

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

RECEIVED
OCT 1 1900

The within license
Recorded in Book
13, Page 203 - Book
of Marriage - done
the 12th day of April
1898 - at H. H. Brown

CHEROKEE NATION, I. T.

Coweeskoowee District.

I, *A. A. Brown* a Minister of the Gospel
hereby certify that on the *19th* day of *March*
Mr. Robert A. Holley
Miss Ada B. McDaniel joined in Marriage,
a citizen of the United States, and
a citizen of the Cherokee Nation, agreeable to the authority
given in the within License and the customs and laws of the Cherokee Nation.

Given under my hand this the *20th*

day of *March*

A. D., 189 *2*

A. A. Brown

Indian Chieftain Print Vinta Ind. T.

The within License
Recorded in Book
B. page 203. Book
of Marriages - this
the *12th* day of *April*
1893 - *H. H. Hottell*
H. H. Brown

DEPT. OF THE INTERIOR
BUREAU OF LANDS
WASHINGTON, D. C.
APR 1 1893
RECEIVED

MARRIAGE LICENSE.

CHEROKEE NATION, I. T.
Coweeskoowee District.

To Any Person Legally Authorized to Solemnize Marriage---Greeting :

You are hereby authorized to join in the Holy Bonds of Matrimony, and to celebrate the rites and ceremonies of Marriage, between Mr. *R. J. Halley*, a citizen of the United States, and *Miss Ada B. McQuinn*, a citizen of the Cherokee Nation, according to the usual custom and laws of the Cherokee Nation, and you are required to return this license to me, for record, within thirty days from the celebration of such Marriage with a Certificate of the same appended thereto and signed by you.

Given under my hand and Seal of Office this the

March 18th day of
A. D., 189*8*

A. H. Ford
Clerk Coweeskoowee District.

Charmers J. T. Nov 15th 1894

Robert J. Holly and Ada B. Holly
husband and wife hereby agree
to resume cohabitation with
~~each other~~ and agree that should
the parties hereto thereafter separate
and live apart from each other that
their child Ethel B. Holly the lawful
issue of their marriage shall be
and remain in the care and cus-
tody of said Robert J. Holly his father
and that the mother Ada B. Holly
shall thereafter exercise no further
authority over said child what-
ever.

The parties hereto agree further
that while cohabitation continues
the father shall exercise para-
mount authority over the child
in all matters relating to her
education the disposition of her
property and all other business
incident to her financial and
social well-being.

Robert J. Holly, x

Ada B. Holly, x
Milton Thompson

& J. Dean.

Cherokee D. 713.

Claremore, I.T. Nov. 19th 1894.

Robert J. Holly and Ada B. Holly husband and wife hereby agree to resume cohabitation with each other and agree that should the parties hereto hereafter separate and live apart from each other that their child Ethel E. Holly the lawful issue of their marriage shall be and remain in the care and custody of said Robert J. Holly her father and that the mother Ada B. Holly shall thereafter exercise no further authority over said child whatever.

The parties hereto agree further that while cohabitation continues the father shall exercise paramount authority over the child in all matter relating to her education the disposition of her property and all other matters incident to her financial and social well-being.

Robert J. Holly X
Ada B. Holly X
Milton Thompson X
J. J. Dean.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, upon my official oath state that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application of Robert J. Holly, D-713, for enrollment as a citizen by intermarriage of the Cherokee Nation.

Mattie E. O'Neil

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• Executive Secretary of the
• National Association of
• Police Officers

DEPARTMENT OF JUSTICE
COMMISSION TO THE EFFECT OF THE

FILED
MAR 7 1902

• National Association of
• Police Officers
• Executive Secretary of the
• National Association of
• Police Officers

• National Association of
• Police Officers
• Executive Secretary of the
• National Association of
• Police Officers

In the Circuit Court of Cooweescoowee District C.N.

Regular Term June 11th 1898.

#40. Ada B. Holly Vs Robt. Holly, suit for divorce, custody of child & right to property. This cause coming on for hearing and the plaintiff having filed motion to amend her complaint as shown in Doc. "K" 6/11-98 and the defendant appearing and consenting to the Terms expressed in said Doc. K and the court being advised in the Premises doth order, adjudge and decree, that the plaintiff have judgement for divorce only and the bonds of matrimony heretofore existing between plaintiff and defendant be and the same are hereby dissolved and set aside. It is further ordered and adjudged that the defendant herein retain the custody of said child, Ethel A. Holly, claimed in plaintiff's complaint; also all property claimed in said complaint, said plaintiff having expressly withdrawn all her right to custody of said child and property claimed in her citation and that this order and decree be spread upon the records of this court. In testimony of which I hereunto set my hand in office & in open Court the day and date first above written.

T.M. Buffington, Circuit Judge,
Northern Judicial Circuit of the Cherokee Nation.

Executive Office Cherokee Nation,
Tahlequah Ind. Ter.

I, B.W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the record of the circuit Court of Cooweescoowee District Cherokee Nation, now filed in this office and in my custody.

Given under my hand and the seal of the Cherokee Nation this the 5th day of March 1902.

B. W. Alberty
Assistant Executive secretary,
Cherokee Nation.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 4 1900



ACTING CHAIRMAN

4. In case of an emergency, the following actions should be taken:

1990-1991 11/12 2011-12 2012-13 2013-14 2014-15 2015-16 2016-17 2017-18 2018-19 2019-20 2020-21 2021-22 2022-23 2023-24 2024-25 2025-26 2026-27 2027-28 2028-29 2029-30 2030-31 2031-32 2032-33 2033-34 2034-35 2035-36 2036-37 2037-38 2038-39 2039-40 2040-41 2041-42 2042-43 2043-44 2044-45 2045-46 2046-47 2047-48 2048-49 2049-50 2050-51 2051-52 2052-53 2053-54 2054-55 2055-56 2056-57 2057-58 2058-59 2059-60 2060-61 2061-62 2062-63 2063-64 2064-65 2065-66 2066-67 2067-68 2068-69 2069-70 2070-71 2071-72 2072-73 2073-74 2074-75 2075-76 2076-77 2077-78 2078-79 2079-80 2080-81 2081-82 2082-83 2083-84 2084-85 2085-86 2086-87 2087-88 2088-89 2089-90 2090-91 2091-92 2092-93 2093-94 2094-95 2095-96 2096-97 2097-98 2098-99 2099-00 2100-01 2101-02 2102-03 2103-04 2104-05 2105-06 2106-07 2107-08 2108-09 2109-10 2110-11 2111-12 2112-13 2113-14 2114-15 2115-16 2116-17 2117-18 2118-19 2119-20 2120-21 2121-22 2122-23 2123-24 2124-25 2125-26 2126-27 2127-28 2128-29 2129-30 2130-31 2131-32 2132-33 2133-34 2134-35 2135-36 2136-37 2137-38 2138-39 2139-40 2140-41 2141-42 2142-43 2143-44 2144-45 2145-46 2146-47 2147-48 2148-49 2149-50 2150-51 2151-52 2152-53 2153-54 2154-55 2155-56 2156-57 2157-58 2158-59 2159-60 2160-61 2161-62 2162-63 2163-64 2164-65 2165-66 2166-67 2167-68 2168-69 2169-70 2170-71 2171-72 2172-73 2173-74 2174-75 2175-76 2176-77 2177-78 2178-79 2179-80 2180-81 2181-82 2182-83 2183-84 2184-85 2185-86 2186-87 2187-88 2188-89 2189-90 2190-91 2191-92 2192-93 2193-94 2194-95 2195-96 2196-97 2197-98 2198-99 2199-00 2200-01 2201-02 2202-03 2203-04 2204-05 2205-06 2206-07 2207-08 2208-09 2209-10 2210-11 2211-12 2212-13 2213-14 2214-15 2215-16 2216-17 2217-18 2218-19 2219-20 2220-21 2221-22 2222-23 2223-24 2224-25 2225-26 2226-27 2227-28 2228-29 2229-30 2230-31 2231-32 2232-33 2233-34 2234-35 2235-36 2236-37 2237-38 2238-39 2239-40 2240-41 2241-42 2242-43 2243-44 2244-45 2245-46 2246-47 2247-48 2248-49 2249-50 2250-51 2251-52 2252-53 2253-54 2254-55 2255-56 2256-57 2257-58 2258-59 2259-60 2260-61 2261-62 2262-63 2263-64 2264-65 2265-66 2266-67 2267-68 2268-69 2269-70 2270-71 2271-72 2272-73 2273-74 2274-75 2275-76 2276-77 2277-78 2278-79 2279-80 2280-81 2281-82 2282-83 2283-84 2284-85 2285-86 2286-87 2287-88 2288-89 2289-90 2290-91 2291-92 2292-93 2293-94 2294-95 2295-96 2296-97 2297-98 2298-99 2299-00 2300-01 2301-02 2302-03 2303-04 2304-05 2305-06 2306-07 2307-08 2308-09 2309-10 2310-11 2311-12 2312-13 2313-14 2314-15 2315-16 2316-17 2317-18 2318-19 2319-20 2320-21 2321-22 2322-23 2323-24 2324-25 2325-26 2326-27 2327-28 2328-29 2329-30 2330-31 2331-32 2332-33 2333-34 2334-35 2335-36 2336-37 2337-38 2338-39 2339-40 2340-41 2341-42 2342-43 2343-44 2344-45 2345-46 2346-47 2347-48 2348-49 2349-50 2350-51 2351-52 2352-53 2353-54 2354-55 2355-56 2356-57 2357-58 2358-59 2359-60 2360-61 2361-62 2362-63 2363-64 2364-65 2365-66 2366-67 2367-68 2368-69 2369-70 2370-71 2371-72 2372-73 2373-74 2374-75 2375-76 2376-77 2377-78 2378-79 2379-80 2380-81 2381-82 2382-83 2383-84 2384-85 2385-86 2386-87 2387-88 2388-89 2389-90 2390-91 2391-92 2392-93 2393-94 2394-95 2395-96 2396-97 2397-98 2398-99 2399-00 2400-01 2401-02 2402-03 2403-04 2404-05 2405-06 2406-07 2407-08 2408-09 2409-10 2410-11 2411-12 2412-13 2413-14 2414-15 2415-16 2416-17 2417-18 2418-19 2419-20 2420-21 2421-22 2422-23 2423-24 2424-25 2425-26 2426-27 2427-28 2428-29 2429-30 2430-31 2431-32 2432-33 2433-34 2434-35 2435-36 2436-37 2437-38 2438-39 2439-40 2440-41 2441-42 2442-43 2443-44 2444-45 2445-46 2446-47 2447-48 2448-49 2449-50 2450-51 2451-52 2452-53 2453-54 2454-55 2455-56 2456-57 2457-58 2458-59 2459-60 2460-61 2461-62 2462-63 2463-64 2464-65 2465-66 2466-67 2467-68 2468-69 2469-70 2470-71 2471-72 2472-73 2473-74 2474-75 2475-76 2476-77 2477-78 2478-79 2479-80 2480-81 2481-82 2482-83 2483-84 2484-85 2485-86 2486-87 2487-88 2488-89 2489-90 2490-91 2491-92 2492-93 2493-94 2494-95 2495-96 2496-97 2497-98 2498-99 2499-00 2500-01 2501-02 2502-03 2503-04 2504-05 2505-06 2506-07 2507-08 2508-09 2509-10 2510-11 2511-12 2512-13 2513-14 2514-15 2515-16 2516-17 2517-18 2518-19 2519-20 2520-2

Register, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571,

CONTINUING EDUCATION

1. *Chlorophyll a* (Chl *a*)

THE COPY OF THE "JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION" FOR THE YEAR 1914, IS HEREBY ACKNOWLEDGED.

B. W. Albert

40 In case of Ada B. Holly vs Robt Holly . A divorce was granted in accordance with motion filed . Motion marked Doc. K. 6/11 '96.

Doc. K. 6/11 '96.

Regular Term Circuit Court Cooweescoowee District, June, Term 1896, Hon T. M. Buffington, pres Case of Ada Holly vs Robt. Holly Suit for divorce and allimony and custody of child.

Comes now the Plaintiff in above suit and moves to amend the Citation by withdrawing all claims and demands except the right to be divorced and to strike out all Allegations except that of cruel treatment and asks judgement for divorce only on the grounds of cruel treatment only.

A. B. Holly.

EXECUTIVE OFFICE, CHEROKEE NATION.

Tahlequa h, I. T.

I, B. W. Alberty, assistant Executive Secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the Circuit Court record of Cooweescoowee District Cherokee Nation, and all that appears of record in said matter; the said record has been filed in this office and is in my custody.

(SEAL)

Given under my hand and the seal of the Cherokee Nation this the 4th day of December 1900.

B. W. Alberty,
Assistant Executive Secretary
Cherokee Nation.

I the undersigned stenographer to the Commission to the Five Civilized Tribes do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for the enrollment of Robert J. Holly et al. as citizens of the Cherokee Nation.

Muskogee, Indian Territory,

May 27, 1902.

W. S. Kaufman

B

Cherokee D. 713.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Robert J. Holly as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 26, 1900, Robert J. Holly appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his minor child, Ethel A. Holly, as a citizen by blood of the Cherokee Nation. The said Ethel A. Holly is differently classified and is not embraced in this decision. Further proceedings in the matter of said application were had at Claremore, Indian Territory, on November 13, 1900; at Muskogee, Indian Territory, on March 7, 1902, and at Ocoosa, Indian Territory, on June 17, 1902.

The evidence shows that the said Robert J. Holly was lawfully married under authority of a Cherokee marriage license on March 19, 1893, to Ada B. McDaniels, a citizen by blood of the Cherokee Nation. The said Robert J. Holly is identified on the Cherokee census roll of 1896.

It appears that the said Robert J. Holly lived with his said wife about two years following their marriage; that they then separated, and on June 11, 1896, the said wife obtained a divorce from the applicant on the ground of cruel treatment. The said applicant testified that the decree of divorce was rendered in accordance with an agreement between him and his said wife.

Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 667 of the Compiled Laws of the Cherokee Nation (1892), is as follows:

"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

-2-

It is, therefore, the opinion of this Commission that the said Robert J. Holly abandoned his wife within the meaning of the section of the Cherokee laws above quoted, and that his application for enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this _____

Department of the Interior, Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage
of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Lagen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977	Millie Morton	1554
Bettie Mitchell	985	Andrew Walters	1573
John J. Harrison	993	John H. Holder	1610
Jasper N. Bateman	1029	Mary M. Burr	1612
Susan Ballard	1065	Thomas E. Bonham	1644
Lucy Eva Simmons	1073	Florence Headrick	1663
Ellen Thornton	1089	Daisy B. Brewer	1709
Sarah E. Hair	1090	Annie Cordrey	1717
Norman S. Drake	1092	Adam Eckert	1722
Susan Hogg	1094	Isaac Timmons	1726
David L. Scott	1099	Gent Gibson	1727
James C. Taylor	1111	Amos Anderson	1731
Roxie Shepard	1128	William J. Mounts	1734
Robert G. Elgin	1136	James D. Alexander	1745
William Hall	1137	Willis E. Miles	1769
Mary Ella Lattimore	1141	Lora Adair	1781
Maggie J. Keys	1149	John Yarborough	1796
Joseph M. Correll	1177	Lillie M. Dassler	1802
Jane Ratley	1225	Bryant C. Redington	1804
George E. Norton	1234	Melisa A. Maxwell	1808
Mahala D. Thompson	1247	Richard Dukes	1811
Charles M. Trammel	1264	Fannie Pettit	1816
Flora Carlile	1265	Genevia Pool	1817
William H. Norrid	1275	Mollie Crossland	1822
Olivia Bengé	1276	Lizzie Bengé	1828
Dollie Wilson	1278	John H. Welty	1847
Moses Bell	1279	Edward P. White	1884
Sarah Fleetwood	1290	Lauren P. Green	1887
Rosa E. Fargo	1299	Charles Rosser	1898
William M. Oliver	1333	Fay Adair	1913
Andrew J. Couch	1340	Henrietta Irving	1920
Lina Hyles	1347	Bird Trippard	1925
Mary M. Miller	1350	John C. Carlile	1937
Mary E. Taylor	1368	John W. Gilstrap	1954
Polly Ann Bengé	1369	Sarah Young	2018
Margaret Moton	1385	Nancy A. Coleman	2049
Minnie McKinney	1390	James N. Whisenhunt	2118
Nettie Seabolt	1418	Hiram Stephens	2157
Lawrence G. Faulkner	1433	Asa L. Guinn	2159
Sarah A. Holt	1449	Rebecca J. Flying	2172
Jennette Polecat	1492	Thomas J. Measles	2192
Ellen Seabolt	1508	Julia Coody	2215
Charles W. Nettles	1509	Sarah Crutchfield	2224
Lena Sittingdown	1511	Henry E. Lee	2251
Tim Creeden	1513	Sarah Gritts	2256
Odie Pidecock	1517	John A. Madden	2261
Silas A. Saterfield	1529	Henry C. Pennel	2271
Laura J. Jeremiah	1530	Matilda S. Cleland	2302
Etta Hicks	1540	Dona A. Frazier	2312
Mary A. B. McKinney	1550	Laura B. Cordrey	2320

Lafayette D. Kindred	2328	William A. J. Trotter	3257
Pearl V. Sisson	2339	Albert P. Goforth	3298
Nancy J. Sevier	2380	Anna B. Martin	3307
Mollie Hair	2385	William Brown	3344
Dora Sayers	2474	Jennie B. Bluejacket	3345
William T. Jones	2501	William Little	3377
Sarah L. Martin	2502	Julia M. A. Russell	3386
William J. Shoemaker	2506	Andrew J. Smith	3393
Maud Baldridge	2511	William N. Blakemore	3396
James L. Townsend	2513	Lizzie Denton	3417
George L. Morgan	2568	Belle Hudson	3435
Andrew A. Brown	2575	Thomas S. Heady	3437
Louis K. Fair	2623	William M. Roseborough	3444
James L. Mitchell	2644	Madison G. Hawkins	3467
Martha E. McNair	2659	Japhat F. Ellis	3491
Millard F. Eggleston	2668	Emma McAffrey	3543
Elisha M. Gray	2686	William T. Huitt	3570
Jessie M. Ballard	2694	Myra F. Chouteau	3580
Annie Mayes	2798	Phillip Donohon	3581
Belle Sixkiller	2809	Fred L. Kelley	3593
James P. Riley	2825	Annie Herod	3594
William Broadus	2854	Maggie V. Fields	3615
William A. Martin	2865	Lou Payne	3616
Joseph Q. Buchanan	2888	Frederick W. Strout	3692
Marcellus L. Baker	2905	Andrew L. McCamish	3713
Etta M. Hill	2915	Sarah Dirthrower	3731
John R. Smith	2922	William P. Coble	3758
Ira W. Wallen	2926	Robert L. Madison	3761
John B. Laurence	2959	Mariah McDowell	3795
Lula O. Hitchcock	2961	Elizabeth R. Thornton	3811
Bell L. Muskrat	2975	Donithan A. Wilson	3841
Eliza O'Field	2977	Charles F. Covey	3868
Margaret Suagee	2993	Tamsey M. Williams	3886
Winfield S. Nance	3007	Mary J. Wolfe	3889
Benjamin F. Kelley	3010	Lathan Lumbard	3891
Mollie Daugherty	3039	Micajah P. Haynes	3897
Charles H. Leatherman	3043	Annie L. Wingfield	3903
Alice A. Edwards	3100	Mary Fields	3907
Dorinda Adair	3106	William W. Dudley	3944
William R. Gray	3118	Minnie M. McLaughlin	3950
Dora B. Caulk	3143	Henry B. Lindsey	3978
Jesse M. Gallman	3161	Wilbert H. Parkison	3999
Martha E. Garrett	3162	Seth R. Hall	4011
Artie E. Large	3164	Wiley Hanna	4016
Andrew A. Kelley	3191	Martha M. Woods	4093
Anna B. Ryne	3193	Lizzie Gray	4117
Eliza Henderson	3198	Nancy C. Carey	4131
David E. Jenkins	3212	Annie E. Kenney	4165
Lizzie Falling	3233	William H. Ward	4169
Robert L. Payne	3252	Nannie Brewer	4189

Nancy J. Kinney	4225	Roxie J. Ketchum	4623
Sydney E. Bell	4232	Lizzie Love	4626
Isaac H. Jordan	4235	Robert K. Wann	4632
Charles Parks	4244	Frederick Metzner	4633
Dora Frenchman	4262	John C. Bratcher	4634
James R. Fugate	4275	Pigrow L. Jones	4641
Maud Adams	4277	Ada Bertholf	4642
Elizabeth Black	4281	Alice Robbins	4644
Anna Thornton	4291	Jane Dougherty	4649
Robert T. Morrison	4294	Samuel Francis	4650
Perley Israel	4295	Clemon C. Peek	4652
William A. Long	4304	Mont C. Frazier	4653
Mollie Swannock	4319	Frank J. Mayberry	4656
Frances Guess	4324	Charles W. Moore	4660
Allen H. Gibson	4327	Jefferson D. Edmondson	4661
John McFall Jr.	4343	Alonzo H. Boone	4662
Albert W. Fitzsimmons	4360	Thomas C. Mock	4668
George S. Ford	4386	Sallie Allison	4669
Quinn Carr	4387	Elizabeth E. Burgess	4671
William A. Powell	4390	LaFayette Breeden	4673
Austin Hasley	4400	James M. Boling	4676
Anna Bible	4414	Francis A. Neilson	4681
Elizabeth Riley	4428	John F. Smith	4689
John P. Sudderth	4449	Rufus S. Steward	4691
Anderson Keen	4450	John I. Haddock	4694
Ida M. Adams	4451	Maggie O. Walkley	4695
Martha J. Randall	4457	George W. Talbert	4698
Mollie Conner	4477	Mary Miller	4700
Jane McGhee	4491	Henry C. White	4707
Jennie Riley	4525	Mattie E. Hill	4760
Hannah Randall	4528	Alice A. Bible	4772
Charles W. Childers	4542	Katie Coker	4785
Nannie B. Riley	4543	John Creek	4801
John W. McDaniel	4544	Ruby R. Bean	4804
Minnie Armstrong	4548	William J. Dodson	4836
Ada Chouteau	4549	Blackburn Reed	4882
Mary Thompson	4571	Viola Lowther	4891
Ota Armstrong	4593	William B. Ritchson	4910
Mary Spencer	4594	Henry D. McDonald	4950
Clarkson F. Woody	4603	Della McDaniel	4956
James M. McConnell	4604	Dorothy Rattlinggourd	4991
Annie E. Coker	4605	Ida McCay	5093
Jennie Long	4606	Henry M. Lyon	5100
Julia Gilstrap	4607	Alice J. Wofford	5101
Laura E. Smith	4608	Nancy Morris	5137
Annie Nicholas	4609	Ella Sullivan	5140
Minnie R. Taylor	4611	Winfield Williams	5144
Mary E. Rogers	4614	Bessie M. Smith	5145
Emma Downing	4615	May Humphrey	5207
William Steere	4619	Donnie Burgess	5235

Nora B. Burgess	5236	William A. Polson	5613
John E. Etter	5239	Paulina P. Pitcher	5614
Harriette Rogers	5240	Charley Headrick	5615
Amanda Foreman	5244	William N. Stinson	5616
William H. Wells	5261	Lenora A. Henry	5621
John T. Gaylor	5266	Effie M. Adams	5622
Annie Sweeten	5269	John H. Shimp	5624
Rosalee Hendricks	5278	Thomas B. Dickson	5625
Emma Chambers	5328	Minnie Henry	5628
James H. Thomas	5329	Thomas J. Simpson	5629
Melville B. Baird	5332	Cap L. Lane	5630
James R. Goodall	5356	Reuben E. DeLozier	5631
Charles Horton	5390	John Heape	5640
James W. Goddard	5417	Perry G. Brock	5645
Dora Cox	5425	Mary J. Newcomb	5650
Nannie G. Alberty	5438	George W. Seigel	5660
Sallie Ward	5455	Martha A. Parks	5666
William H. Sutherlin	5484	Zelda C. Mills	5674
Lizzie Hall	5487	Lizzie Rogers	5675
Cyrus B. Essex	5489	Emma Pigeon	5676
Eda Taylor	5493	Nellie Bluejacket	5677
Laura Taylor	5494	Lucy Bacon	5679
Elector D. Miller	5496	Thomas B. Wood	5681
Emberson M. Arnold	5498	Asa W. Simerson	5683
Stella Henry	5499	William J. Kuhn	5686
William E. Oneal	5506	Elsie Couch	5688
John M. Sharp	5509	William H. Robinson	5692
John L. Davis	5514	Rachel Washington	5693
Sarah E. Downing	5518	Isaiah B. Blackwood	5700
Samantha C. Glass	5524	John R. Johnson	5701
Harry Jones	5525	Dennis W. Smith	5702
Aggie Paris	5532	William H. Chesnut	5705
James W. Hallford	5535	William H. Durham	5707
Phoebe Coker	5537	Albert B. Buckmaster	5710
Anthony K. Douglas	5538	Maud Crutchfield	5730
Joseph H. Johnson	5541	Joseph S. Layne	5731
Harvey O. Riggs	5547	Lena Bell	5737
Alice Glass	5553	Juan N. Corn	5748
Addison Reeves	5566	Robert N. Crafton	5750
Alice Coats	5572	Benjamin F. Coffee	5756
Julia Kidd	5575	Frank McSpadden	5760
William R. Greer	5576	Charles D. Pendleton	5775
Rosa M. Sixkiller	5581	Harden H. Green	5776
Nancy Inlow	5587	Emma J. Ward	5778
Daisey H. Owen	5599	Robert C. Fuller	5781
Annie R. C. Owen	5600	Henry F. Extine	5796
Jesse McKnight	5602	Ida Wylly	5802
Cicero J. Strange	5610	Richard L. Fite	5815
Henry Westenhaver	5611	Edward Lutz	5816
Emma H. Roach	5612	John F. Woodworth	5829

Horace H. Huddleston	5832	George C. Duffield	6031
William R. Sartain	5837	Amelia Reese	6033
Joseph A. Lawrence	5843	Alexander West	6036
William H. Hinton	5846	John Tootle	6037
Joseph Lehr	5851	Florence G. Langley	6038
Eluin M. Young	5852	John T. Ham	6042
Mary C. Barnes	5853	Mary L. Jordan	6048
Matilda Thompson	5861	John W. Bradshaw	6076
William W. Young	5872	James L. Dean	6079
Earley F. Ellis	5874	Amanda J. Thompson	6082
Rosa B. Alberty	5877	Malissa Hubbard	6089
Sarah Cannon	5879	Jane Benge	6111
Mamie Beck	5887	John D. Ryals	6113
Jack H. Merchant	5888	John C. DeLozier	6117
John D. Merchant	5889	Jessie Willis	6118
Sarah E. Ghormley	5894	Mary A. Clark	6124
Jerry Young	5906	Mary J. Tipton	6126
James H. Brickey	5916	Leander Newton	6136
Mary Hicks	5919	William A. Qualls	6138
George W. Weems	5922	Henderson B. Thomas	6144
Albert Crain	5923	Hugh T. Watkins	6163
James M. Jones	5932	Nancy Keys	6172
Alfred W. Shelly	5935	Berry Hutchins	6186
John M. Stratton	5936	Eli Parker	6189
Waddie Hudson	5937	Sarah E. Shaw	6194
Robert C. Johnson	5939	Julia Keys	6211
Mary T. Thompson	5941	Boon J. Grey	6214
Edith A. Parris	5943	John Grubb	6216
Addie Hubbard	5949	William M. Costephens	6230
John A. Lowry	5962	Jane Bean	6232
John R. W. Brantley	5963	Lillie I. Taylor	6236
James T. Carroll	5964	Abbie B. Adair	6239
Christopher F. Jordan	5965	Mack C. Watkins	6246
Minerva E. Stover	5966	Robert W. Murray	6261
John W. Twilley	5967	John G. Petty	6269
Joseph W. Mounce	5970	Lucinda Poorboy	6279
Cornelius P. Potter	5971	Sarah Mayes	6286
Amanda C. Thompson	5972	Henry W. Pyeatt	6300
John M. Rusk	5976	Isaac A. Wilson	6308
Harrison L. Hughes	5978	John T. Hall	6310
Silas B. Dildine	5983	Edward L. King	6315
Lewis M. Payne	5985	Katie Still	6325
Nancy Beamer	5988	Emmer Carlile	6338
Sarah F. Selvidge	6002	Bird Webster	6347
Posy F. Buckner	6005	Fannie Morris	6353
John A. Moreland	6010	Leonard Lee	6357
Alice Welch	6015	James R. Miller	6362
Mary C. Thompson	6022	James Brackett	6370
Lda Beck	6029	Nora Allen	6371
William R. Tittle	6030	John T. Washington	6373

James J. Snider	6375	James L. Lee	6717
William H. Winget	6376	Rosa Phillips	6723
Ida R. Wilkerson	6383	Kate Brown	6735
George A. McBride	6385	Laura B. Barnett	6743
Matilda Cookson	6387	Elizabeth Sanders	6745
William A. Fisk	6392	William T. Neff	6747
William O. Ames	6394	William R. Scott	6751
Thomas Wilkerson	6396	Laura Fish	6770
Alice C. Springston	6407	Maggie Ketcher	6779
Fanny N. Witt	6413	Dora A. McDonald	6783
Lillie M. Adair	6424	Rosie B. Willis	6785
Mark F. Matheson	6428	Daniel Hubbard	6787
Ida L. Wilson	6431	Mary R. Tadpole	6801
George E. Marrs	6441	Magnus A. McSpadden	6811
Ulysses S. Reeves	6443	Sarah F. Pathkiller	6824
Daniel A. Smith	6447	Clara Twist	6845
Henry J. Dawson	6450	Mattie M. Welch	6846
Sarah Adair	6452	Cora Griffin	6850
Ida F. Wilson	6455	John S. Hyatt	6853
Mary E. Taylor	6459	Jefferson K. Tyner	6855
Catherine Henson	6468	Flora R. Miller	6859
Charles C. Fitzsimmons	6471	Lizzie Craig	6872
Mary E. Campbell	6476	Jacob C. Johnson	6876
Columbus N. Long	6478	George W. Ware	6897
Mary Wilkerson	6480	James B. Deatherage	6901
Myrtle Ward	6484	Lucinda F. Hartness	6943
Belle Manus	6499	Frances E. Tehee	6961
Martha E. McLain	6508	James M. Burt	6965
Mary A. Brown	6517	Rady Tipton	6975
Marion M. Ballew	6530	Laura Hendricks	6976
Mellie Mayfield	6540	Laura V. Smith	6979
Sarah Blevins	6541	Lorenzo C. Darnell	6988
Frank Powell	6542	Robert M. Mitchell	7004
Georgia Jackson	6546	William Henry Reeve	7005
Leonard S. Simpson	6549	James Pyle	7009
Almira Ussrey	6560	Willie Hilderbrand	7015
James McInerney	6561	Alice M. Roberson	7031
Fannie Carlile	6578	Charles Morris	7043
Sadie A. Mayfield	6580	Minerva J. Trent	7051
Silas A. Bryan	6581	John H. Keith	7078
William S. Martin	6585	Katie E. Ratley	7080
Emma J. Thompson	6589	Etta Patrick	7081
Lydia McDaniel	6593	Nannie Martin	7090
David W. Lamb	6595	Rosa B. Harris	7094
Gus R. Hart	6603	Samuel Brown	7100
Poea Phillips	6632	William H. Turner	7101
Lois E. Daniel	6678	Florence Mayes	7104
William W. Turner	6689	Maggie McCoy	7112
Lillie B. Blackstone	6714	Mary Belle Cordry	7113
Mary Lillard	6715	Benjamin Haner	7119

James Maher	7128	Robert B. Collins	7556
Terry A. Parkinson	7146	Nancy I. Brown	7579
Cora L. Hanks	7147	Mary B. Walkingstick	7642
Otto J. Zufall	7149	Robert T. Kelleam	7653
Rufus M. Norman	7155	Mollie Morton	7797
Mary F. Foreman	7158	Mattie Girty	8006
Alma West	7159	Mack Alfred	8015
James M. Connally	7161	Ida Harmon	8016
Francis M. Crowell	7163	Ida McCoy	8417
Fannie E. McClure	7171	Rosie Foreman	8903
Benjamin B. Graham	7176	Annie Jackson	9034
Ada Phariss	7180	Margaret T. Langley	9092
William L. Whisenhunt	7184	Ida M. Davis	9266
Frances B. Perry	7191	Nora Crapo	9280
Philip Shultz	7210	Margaret Harmon	9378
Hester A. Miller	7212	Mary B. Langley	9438
Minnie B. Edmonds	7213	Ella Gravitt	9439
Eliza Jordan	7217	William M. Wilson	9444
William T. Ross	7218	David O. Scott	9446
Thomas M. Price	7225	Harriett Forbes	9447
James G. Wilson	7231	John Carver	9449
Frank Rhomar	7263	Thomas J. Davis	9451
John W. Thompson	7267	Clara M. Boudinot	9453
Melissa Booth	7271	Mary E. Keys	9454
Solon L. Jackson	7273	John G. Ainsworth	9456
Henry W. Coughran	7282	Mary J. Christy	9460
Sarah Ross	7291	Malinda Seabolt	9462
Mary S. Smith	7322	Mary Cumpton	9464
John A. Martin	7323	Mollie P. Mulkey	9465
Myrtle Robinson	7330	Andrew Brimmer	9467
Allen L. Buckner	7331	James F. Flippin	9471
James L. Goad	7350	William Bird	9473
Elijah Johnson	7351	Mollie C. Forbes	9476
Mary E. Kimbrough	7360	William H. Thomason	9478
Jennie Burr	7367	Mollie Devine	9481
Kiasay Sapsucker	7378	Mary P. Guthrie	9482
Sarah J. Johnson	7394	Detlev N. Leerskov	9484
William I. Branan	7409	Nannie Cowart	9485
Wyatte T. Brady	7412	Leona Catcher	9489
Lena O. Holderman	7413	Alexander B. Clapp	9502
Mary F. Hummingbird	7420	Tennie Sanders	9503
Bertha A. Allen	7425	Virgil A. Wiltshire	9505
Robert J. Tyner	7426	Joshua K. Carr	9510
Fannie B. Martin	7434	Herbert Kneeland	9518
Myrtle Wolfe	7435	Hugh E. Hope	9519
Mary Blevins	7479	Thomas J. Ritter	9522
Sarah Ketcher	7488	Martha Baldrige	9529
Charles D. England	7512	James R. Poindexter	9535
May Cochran	7544	Maud Foreman	9539
Rebecca Oglesby	7549	Belle Bryant	9542

Joseph P. Smith	9550	William G. Brown	9879
George E. Watkins	9552	John B. Delay	9881
Florence Henry	9553	Pairlee Thompson	9882
Jesse H. Johnson	9560	Guenther W. Werther	9883
Lydia B. Barger	9561	Margaret Crittenden	9884
Mary Jane Thomas	9562	Moses L. Morris	9889
James F. Petty	9563	Sarah L. Rogers	9891
Laura McCrary	9566	Stephen Duncan	9892
Joel D. Smith	9568	Gideon D. Sleeper	9895
William T. Cave	9572	William A. Maddin	9896
William Bugher	9577	John H. Horton	9904
James M. Smith	9582	Howe L. Rogers	9905
John E. Nazworthy	9583	William Rush	9912
Beverly L. Lafon	9587	George W. Edens	9916
Robert L. Gentry	9590	William H. Hall	9920
John C. Barker	9591	Edith B. Pheasant	9935
John P. Greenwood	9593	Carrie A. Collins	9936
Henry Hayes	9596	Lucinda Spriggs	9937
Ella Cornwell	9598	Ella F. Hail	9939
Asa A. Hedrick	9599	John W. Harris	9949
William C. M. Robinson	9600	Hannah Raper	9942
Woodrow Hadley	9612	John J. Coughran	9945
William T. Gregory	9613	Youra F. Waybourn	9946
Charles M. Keys	9616	Louisa J. Taylor	9947
Bate O. Reed	9618	William M. Evans	9948
Joseph E. Feland	9623	William F. Pierce	9940
Florence C. Smith	9625	May F. Chambers	9950
Charles M. Cox	9630	Albert Stevenson	9954
Otis S. Skidmore	9634	Henry Kiefer	9955
William H. Hundley	9635	Sarah Bean	9956
Thomas A. McDonald	9636	Zeno M. Cox	9964
Annie Sanders	9638	Jerusha E. Blair	9965
Mack H. Martin	9640	Elias Kyle	9991
Mary Ward	9653	Ida Cushman	9992
George Givens	9658	James W. Fleming	9994
Pheney Poorboy	9660	Samuel Holmes	9995
Charley Kiper	9671	Walter H. Talley	9997
Andrew J. Snider	9672	Hannah J. Miller	9998
William T. Barton	9684	Clara V. Ward	10002
Daniel Crail	9770	Stephen W. Pittsenberger	10005
Mary M. Motte	9771	Mary E. Palmour	10008
Lecia E. Herrin	9854	William T. Partin	10011
Gailen E. Carrick	9855	Nellie Fields	10013
Rosa J. Barger	9857	Sarah A. Dawes	10015
Rachel Foreman	9858	Willard E. Hutchins	10016
Serepta C. Willis	9861	Jesse Talbert	10020
Virgie Seabolt	9864	Julia E. Setser	10021
Annie Cannon	9867	Amanda E. Howell	10022
Isabella McCoy	9874	Mamie J. Rogers	10023
Robert E. Dry	9875	Nannie Rogers	10024

James B. Bradshaw	10025	Millie A. Carnes	10113
Ida L. White	10026	Lucy E. Robards	10114
Addie B. Miller	10027	Edward H. Fitzgerald	10115
William R. Condry	10028	John T. Pickard	10117
James D. Canary	10029	Charles Rains	10118
John Kelley	10031	Nancy Mayfield	10123
Kate Craig	10033	Anna B. Tittle	10124
John A. Butts	10034	Richard A. Clark	10126
John J. Dameron	10035	Emma B. Martin	10128
William Warner	10036	Walter L. Bates	10129
George A. Allen	10037	Nellie Brewer	10130
Watie Shetley	10038	William Heffernan	10131
John E. Carter	10039	Levi Ackley	10132
John M. Boyd	10043	Bessie Davis	10133
William Fister	10047	Eva Brackett	10135
Darius B. Troth	10049	Caleba Carnes	10136
Harry A. Kelley	10050	Jacksie M. Waybourn	10138
Mary E. Purcell	10051	Minnie Shutt	10139
Myron L. Bronson	10052	Charles L. McClure	10140
George W. Taylor	10053	William W. Russell	10141
Josie Lowther	10054	Delia Jenkins	10142
Fannie D. Perry	10055	John A. Hood	10143
Minnie B. Williams	10056	Oba Maxfield	10145
Solomon Copeland	10058	Mary L. Cloud	10146
Etha B. Wood	10059	Callie Inlow	10147
James Pace	10060	Everett M. Lowrence	10148
Wiley B. McElhaney	10062	Dora E. Hays	10150
Nancy Patrick	10063	Julia M. Schrimsher	10151
James R. Stout	10072	Parmelia E. Lyman	10153
George Parker	10073	Charles F. Trickey	10161
Laura Morton	10074	Louisa J. Palmour	10169
John D. Kelly	10075	George L. Walker	10170
Nettie Swift	10078	Annie Taylor	10171
Maggie Baldrige	10079	Josie Winters Hall	10174
David R. Stubblefield	10080	Alice Nichols	10181
Thomas J. C. Thompson	10081	Lizzie Dry	10182
Cora P. Harlan	10082	Emma Murray	10183
William L. Singleton	10083	Annie Winton	10187
Lester Evans	10084	Marian Evans	10188
Ellen Mayfield	10085	Elizabeth J. McClain	10192
Ella Bray	10087	Eliza J. Price	10199
David J. Matthews	10094	Rissie Still	10200
Thomas Brown	10100	Hannah E. Langley	10201
Houston J. Payne	10103	Alma Keith	10203
Malinda E. Scudder	10104	Flora A. Terrill	10204
Henry Odell	10105	Talesphora A. Pardee	10205
Fred Macy	10107	Samuel Shadix	10206
Mary Russell	10108	Mary E. Childers	10207
Thomas B. Brown	10109	Robert M. Hamilton	10208
Samuel L. Milligan	10111	Julia Billingslea	10209

Nannie Martin	10210	Joseph Reed	D 463
Sarah A. Fields	10214	Adolphus J. Hallum	D 483
Susie Henderson	10216	Alexander Walker	D 490
Charles H. Rienhardt	10218	Albert J. High	D 491
William H. Watkins	10221	America Matoy	D 501
Frank M. Rucker	10222	Moses L. Grazier	D 503
Henry C. Reed	10224	Myrtle Hall	D 509
Laura B. Timberlake	10226	Wallace Thursday	D 544
George A. Brown	10228	Thomas W. Baker	D 546
Drucilla Lowrey	10232	Mattie E. Keys	D 550
Almira Mouse	D 9	William S. Edwards	D 560
Lenora Prather	D 16	Susan L. Reed	D 572
Andrew M. Cooter	D 17	William H. Lyman	D 574
Martin L. Stokes	D 28	Gracia Davis	D 577
Peter Walters	D 44	Edward C. Bolen	D 582
Columbus M. Reeves	D 58	Dora Guthrie	D 585
Sarah Barnes	D 103	Samuel H. Hawkins	D 594
George T. Kiddy	D 108	Lula M. Purcell	D 600
Henry C. Agent	D 139	Ben Estes	D 603
Joseph Phipps	D 147	Thomas M. Reynolds	D 621
Henry Hilton	D 149	Arthur Dodge	D 622
David A. McGlamery	D 161	Carrie L. McNair	D 624
Maggie Doublehead	D 169	Constantine N. Walker	D 641
Annie Lovett	D 180	Joseph Davis	D 648
Nora Hood	D 184	Leander A. Keys	D 650
John A. Johnson	D 232	James J. Barndollar	D 655
Nathaniel G. Simpson	D 242	Nathan J. Brink	D 682
Oncico W. Head	D 244	William S. Miles	D 688
Etta Taylor	D 245	Emma Waybourn	D 698
Susan V. Sullivan	D 262	Dora E. Rogers	D 708
Levi H. Tackett	D 263	James W. Turley	D 709
William H. Connelley	D 264	Lizzie Ward	D 711
Julia A. Sullivan	D 284	Robert J. Holly	D 713
May Fields	D 297	Belle I. Quinton	D 728
Katie Hummingbird	D 308	Francis M. Boothe	D 734
William F. Sager	D 320	Amos W. Lord	D 746
Lovick P. Garrison	D 334	Agnes N. Childers	D 749
Henry Grubb	D 338	John E. Renfrow	D 752
Lucy F. Lacey	D 340	William Coon	D 759
Callie Blevins	D 341	Louis Bruere	D 779
James S. Alfrey	D 355	Georgia A. Waybourn	D 786
Shadrack C. Wallen	D 368	Eliza Fields	D 787
Ada Hall	D 376	William H. Brown	D 788
Jane M. Hicks	D 396	William A. Cox	D 793
Fannie L. Dupree	D 403	Charles A. Robison	D 799
Willis Battles, Jr.	D 404	Artha Williams	D 800
Joshua W. Ellis	D 413	Adam Gearhart	D 806
Nina B. Owen	D 450	Cicero F. Rogers	D 855
John M. Ridenour	D 458	Annie Garrett	D 856
Emery S. Thompson	D 464	George S. Yarborough	D 875

Rhoda A. Sanders	D 878	Ella Vann	D 1320
Manuel Spencer	D 884	Linnie Wofford	D 1330
Benjamin H. Hulbert	D 891	Minnie Downing	D 1332
Mary Brassfield	D 935	Katie Rider	D 1334
James L. Tindle	D 944	Samuel G. Mills	D 1337
Silas G. Reneckar	D 966	Alfred H. Woods	D 1342
Eliza Wofford	D 967	Cynthia Whitekiller	D 1352
Jasper L. Newton	D 971	Susie McSpadden	D 1361
John N. Guinn	D 974	Martha J. Houston	D 1363
Hannah Parson	D 989	Samuel M. Collier	D 1367
Nellie C. Helterbrand	D 1003	Katy Payne	D 1369
Thomas J. Welch, Jr.	D 1006	Joseph H. Warren	D 1375
Lizzie Christian	D 1010	Mattie Miller	D 1433
George Hazlewood	D 1013	S. F. Moore	D 1434
James M. Jones	D 1022	Addie Schrimsher	D 1448
Reuben A. Evans	D 1032	Fannie Vann	D 1458
Carrie H. Cobb	D 1049	Marcella Blakeney	D 1474
John M. Burns	D 1069	G. W. Williamson	D 1555
Sarah E. Henson	D 1083	C. F. Walker	D 1558
Laura D. Henson	D 1086	Louisa Blevins	D 1567
Hettie E. Downing	D 1090	Frank Cowles	D 1581
Benjamin F. Crain	D 1099	Mary Francis Madding	D 1637
Benjamin Strickler	D 1129	Thomas Rodman	D 1661
Nancy Spaniard	D 1130	Katie Still	D 1866
Annie Wilson	D 1131	Ira Creach	D 1913
Ora H. Maxwell	D 1135	D. A. Mounts	D 1967
Reuben W. Moore	D 1136	J. C. Sefton	D 1991
Cora Childs	D 1146	Jennie Holland	D 2024
Janie Hughes	D 1179	Lou Sanders	D 2216
Francis B. Reid	D 1180	Caroline Barnes	D 2591
Martha Carey	D 1195	Lacey Crane	D 2592
Christina Johnson	D 1199	Daisy Cash	D 2595
Louvenia Ironside	D 1208	Hiram A. Landers	D 2599
Martha J. Henson	D 1218	Charles Neel	D 2603
David A. Martin	D 1228	Mattie Robinson	D 2605
Fred D. McEnery	D 1235	Jennie Rich	D 2606
Nathaniel R. Martin	D 1261	Alexander C. Russell	D 2607
James H. Requa	D 1266	Pricilla Ross	D 2608
Frank Carver	D 1267	Tom W. Reeves	D 2609
Etta B. Payne	D 1270	Mary Smart	D 2612
Mary Garrett	D 1271	Rufus Tidmore	D 2613
Joe W. Goodman	D 1272	Jasper Turquitt	D 2614
Mathew J. Flanigan	D 1274	Mabel West	D 2618
Lizzie C. Holland	D 1285	Ophelia West	D 2619
Etta Downing	D 1291	Cora Whisenhunt	D 2620
William Caywood	D 1296	Katy Martin	D 2667
Clarence W. Turner	D 1307	Willis Butler	D 2686
Alfred Chaney	D 1313	Claud Barger	D 2687
Euphenia Sweetwater	D 1314	Disie Conner	D 2698
Etta Russell	D 1319	John Culwell	D 2699

Herbert F. Couch	D 2700	Samuel A. Parkhurst	D 2821
Albert C. Dykes	D 2703	Ellen Rogers	D 2822
Delora Drew	D 2704	Elijah Rolland	D 2827
Frank F. Danderson	D 2705	Endora Steele	D 2828
James Gafford	D 2708	William M. Stucker	D 2829
Anna L. Harlin	D 2715	Sallie Tauuneacie	D 2831
William R. Lipsey	D 2717	Mary Tassle	D 2832
Bertha Landrum	D 2718	John F. Wolf	D 2835
Lila More	D 2722	Ruth A. Ward	D 2840
John D. Mathews	D 2723	Winnie Daugherty	D 2884
Mary McIntosh	D 2725	Mary Guthrie	D 2885
Bertha Nidiffer	D 2730	Lydia Long	D 2886
Richard Nichols	D 2731	Edda Roberts	D 2887
William S. Ross	D 2738	Manda Ward	D 2889
Irene Riley	D 2739	Elmira J. Alberty	D 2905
William H. Rowley	D 2740	Thomas C. Cordray	D 2906
Colombus C. Scroggins	D 2741	Edward Fowler	D 2907
Della Summers	D 2743	Dora Foreman	D 2908
William S. Sage	D 2744	Parker Holt	D 2909
Eliza Thomas	D 2748	John Haston	D 2910
John P. Thurman	D 2749	Georgie Harlin	D 2911
Mary E. Davis	D 2770	Percillia Johnson	D 2913
Jessie Frick	D 2774	Bettie Morton	D 2915
Enna Buffington	D 2788	Samantha Spade	D 2917
Will Black	D 2789	Mariah Ward	D 2918
Maggie E. Davis	D 2792	Ellen Watt	D 2919
Thomas Dotts	D 2793	Nora Morten	D 2920
William Daws	D 2794	Lizzie Anderson	D 2981
Nancy Dawson	D 2796	Francis Duval	D 2984
Lena Fields	D 2797	Wade S. Hayes	D 2987
Ellie Grayham	D 2798	James A. Hankins	D 2988
Alice C. Hill	D 2799	Joseph Hardee	D 2991
Bertha H. Harlin	D 2800	Tennie Horn	D 2992
Margrett C. Hudson	D 2801	Eveline Hall	D 2993
Joseph A. Kelley	D 2803	John E. Leftwich	D 2995
Andrew O. Kepler	D 2804	Mattie Henson	D 2994
Josephine King	D 2805	John D. Colvard	D 2998
Sarah Jane Birdsong	D 2806	Charles W. Phillips	D 2999
Marion Maddox	D 2807	Sarah Shanks	D 3000
John A. McKenzie	D 2808	Nettie Young	D 3009
Ione McGee	D 2809	Jerry P. Ables	D 3048
Ollie Miller	D 2810	Almedie Ross	D 3052
William A. Martin	D 2811	John S. J. Fowler	D 3055
Jesse P. Morrow	D 2812	Leaner Hood	D 3056
Oliver Mason	D 2813	James D. Jackson	D 3057
Edna Whitehead	D 2814	Emma G. Nelson	D 3058
Charley Nuckolls	D 2815	Alice Simco	D 3059
Etta M. Nidiffer	D 2817	George O. Wallace	D 3060
Louizer Ossowee	D 2818	Fannie Clay	D 3076
William H. Patterson	D 2820	Ellen Drew	D 3079

Lue Fish	D 3081	Della Baldrige	R 105
Horace Gray	D 3082	Samuel Richey	R 107
Lula Pack	D 3083	Malissa Fields	R 144
Leba C. Harris	D 3084	Fred Zimmerman	R 220
Thomas Jones	D 3086	Ella Anspach	R 241
Benjamin Laws	D 3088	Michael R. Mizer	R 266
Martha Spade	D 3092	Belle A. Powell	R 352
Julian Wyrick	D 3093	Austin L. Hill	R 420
Samuel Harlan	D 3157	Mary L. Dudley	R 439
Lizzie Phariss	D 3171	Stephen Hazlett	R 465
Jack Michael	D 3172	Mary A. Payne	R 484
Sarah E. Davis	D 3176	Rebecca Bengé	R 553
Grace Guthrie	D 3181	Sarah Wilson	R 613
Mary E. Thornton	D 3183	Dora Crane	R 628
Mamie Thompson	R 4	Andrew Sitrell	R 642
Jimmie G. Thompson	R 5	John Sitrell	R 642
William T. Kelly	R 10	Lillie May Wilson	R 643
Alice Tidwell	R 19	Ollie A. Barger	R 656
Rosenna McLaughlin	R 41	Ida Hawkins	R 671
Martha A. Perdue	R 45	Lizzie Davis	R 761
Gabriel L. Payne	R 61	Clara M. Emmons	R 803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
FEB 21 1902

COMMISSIONERS.
HENRY L. DAWES.
JAMES BIXBY
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 17, 1902.

Mr. Robert J. Helly,

Catoosa, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the seventh day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with a certified copy of your decree of divorce from your former wife.

Yours truly,

Charles D-713
Register.

Acting Chairman.
~~XXXXXXXXXX~~

Commissioner in Charge.

ATTORNEYS

L. B. HELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. C. D. 718

Waskotoe, I. T., March 1, 1902.

B. W. Alberty, Esq.,

Tallogah, I. T.

Dear Sir:

Please examine the Circuit Court records of Coconino District and send us a certified copy of the decree of divorce in the case of Robert J. Wally vs Ada Wally or Ada Wally vs Robert J. Wally, whichever way it appears upon the record.

Yours truly,

ATTORNEYS

L. B. BELL

W. W. HASTINGS

J. B. DAVENPORT

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

J. C. STARR, SECRETARY

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

C. D. 713

Muskogee, I. T., March 1, 1902.

A. R. Querry, Esq.,

Tulsa, I. T.

Dear Sir:

Please advise us where Robert J. Bell now is living
and also if he has married within the last two years.

Yours truly,

L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.
J. C. STARR, SEC.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT

Please return this letter with your reply or mention this Number: F. D. 9. 713.

1970-71, 1. 1., 1971-72, 1. 1.

[illegible]

40

C.D. 713

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of A. D. 190...

Given under my hand this.....
day of..... A. D. 190...

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of, 190...

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190...

Subscribed and sworn to before me
this

Notary Public.

NOTICE!

IN THE MATTER OF the application of
for enrollment as Cherokee citizens:

Case No. D. 113.

To
.....

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of **Muskogee, I. T.** Indian Territory, on **at 8 o'clock A. M.** or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this

.....
W. W. Hastings

Attorneys for the Cherokee Nation.

J. L. DENBO.

J. M. GRAVITT.

Denbo & Gravitt,

Dealers in a Full Line of General Merchandise, Dry Goods, Groceries, Hats, Caps, Clothing, Boots, Shoes, Shelf and Heavy Hardware,
 And Wagon Timber

Patosa, Indian Territory, 1902.

Ch. # D 713.

Muskogee, Indian Territory, 6/12/1902.

Mr. M. D. Greene,

Clerk in Charge of Enrolling Party # 4,

Catoosa, I. T.

Sir:

Herewith find enclosed a copy of the testimony taken in the matter of the application of Robert J. Holly for enrollment as a citizen of the Cherokee Nation, D # 713.

This man's post office is Catoosa, and the evidence already taken is not sufficient, or satisfactory, to the final determination of his application.

It is now desired that you, while at Catoosa, should have the applicant, and such other witnesses as you can obtain, come before you and testify as to the abandonment by Holly of his Cherokee wife. You will carefully read over the testimony sent you and from it you can judge best what is necessary to be brought out by the testimony you take.

It is also desired that you ascertain, by testimony, the residence of this applicant and his child at the time of making his original application and on June 28, 1898.

You should go into this matter of residence fully so that the office here may be able to determine whether or not he has

M.D.C.--2--

forfeited his rights to citizenship by leaving the Nation prior to
June 28, 1898.

Yours truly,

Commissioner in Charge.

Register.

1 enc.

Muskegee, Indian Territory, June 30, 1908.

Mrs. George McKeehan,

Gateosa, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of the 25th instant, stating that J. R. Holley applicant before the Commission for enrollment as a citizen of the Cherokee Nation, desires to introduce testimony as to his residence in the Cherokee Nation.

In reply, you are advised that if he desires to introduce further testimony it will be necessary that he have his witnesses appear before the Commission at its offices in Muskegee, Indian Territory, within 15 days from date hereof.

Yours truly,

Commissioner in Charge.

Register.

Vinita, Indian Territory, January 20, 1903.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

As directed in the Commission's letter of January 16,
there are transmitted herewith, the original cards and jackets in the
following applications for enrollment as citizens of the Cherokee
Nation:

Cherokee D-5177, George W. Hienmeyer,
Cherokee D-1488, Ann Brackett,
Cherokee D-1489, Nancy Chuteau (now McLoughlin),
Cherokee D-1489, Vick Gaylor.

There are also transmitted herewith, the original jackets
and records in the following Cherokee applications:

Cherokee B-848, Eliza Hargis,
Cherokee B-158, Lela E. Hefn,
Cherokee D-915, Robert J. Kelly,
Cherokee B-811, Samuel A. Bullard, et al.,
Cherokee B-830, Mary Ines Partwood, et al.,
Cherokee B-812, Joseph H. Harville, et al.,
Cherokee B-825, John H. Harwell, et al.,
Cherokee B-826, Maramia Harwell, et al.,
Cherokee B-826, John Vaitow, et al.,
Cherokee B-837, Mary Stone, et al.,
Cherokee B-838, Della Moore, et al.,
Cherokee 880, Frank Gordon.

Respectfully,

Clerk in Charge.

INDEXED.

CHEROKEE LAND OFFICE	
NO.	RECORDED
1903	JAN 27 1903

Cherokee Land Office,
Vinita, I. T.,
Jan. 27, 1903.

Rel. to record in re application
of Robert J. Holly.

CHEROKEE ENROLLMENT.



P334

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-713.

Vinita, Indian Territory, January 27, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of the Commission's letter of January 23, stating that there is not with the record forwarded to the Commission in the matter of the application of Robert J. Holly, for enrollment as a citizen of the Cherokee Nation, Cherokee D-713, a copy of the testimony taken in June, 1902, by Cherokee Enrollment Party, No. 4, with reference to the right of this applicant to enrollment.

The original jacket and records in this case forwarded to the Commission on January 21, 1903, were all of the papers in this application in this office.

Respectfully,


Clerk in Charge.

RP

Cherokee D-713

Tahlequah, Indian Territory, August 11, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

I have the honor to transmit herewith a copy of the testimony taken July 29, 1903, in the matter of the application of Robert J. Holly for enrollment as a citizen of the Cherokee Nation by intermarriage.

The original jacket and record in this application were forwarded to the office at Muskogee on January 21, 1903.

Respectfully,

Clerk in Charge
Cherokee Land Office.

MTM

Enc. M-30

Cherokee No.
D. 713

Muskegee, Indian Territory, January 10, 1907.

Robert J. Holly,
Catoosa, Indian Territory.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. -----D-----

Commissioner.

Cherokee D 713

Maskogee, Indian Territory, March 14, 1907.

Robert J. Holly,

Catoosa, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

RPI

Commissioner.

Cherokee
et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-100
LWC

Robert A. Holly.

W. B. Holly, 26

A. Holly, 26

~~W. B. Holly, 26~~

D. Holly, 26

W. B. Holly, 26

Notice of final consideration, 3/7/02

I signed copy of decree of
divorce from Holly, 3/7/02

Support, initial proceeds, 3/7/02

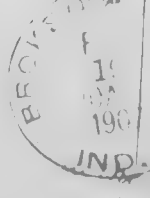
10) 11 Cherokee Jacket 4460.

Post Office Department

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Muskogee Indian Territory

This card must be neatly and correctly made up and addressed at the post office where the article is registered.
The postmaster who delivers the registered article must see that this card is properly filled, postmarked, and mailed to the post office.

Post Office Department

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County

State

Postmark of Delivering Office



COM. FIVE TR. SEC.
MUSKOGEE, IND. TER.

REGISTRY RETURN RECEIPT.

Catoosa
1901st J. H. C.
G. M. M. C.

REGISTRY RETURN RECEIPT.

Catoosa
1899
Robt. J. H.
G. M. M. C.

Chen D 714

Chen D 714

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CLARKSBURG, I. T., OCTOBER 20th, 1890.

IN THE MATTER OF THE APPLICATION OF Dora Johnston for the enrollment of herself and child as citizens of the Cherokee Nation, and the said Dora Johnston appearing before the Commissioner and being sworn by Commissioner, C. R. Brockbridge, testified as follows:

By the Commissioner:

- Q What is your name? A Dora Johnston.
Q What is your age? A Thirty.
Q What is your postoffice? A Clarksburo.
Q Do you make application as a Cherokee by blood?
A No sir, adopted.
Q What district do you reside in? A I was married in Flint District.
Q Are you living in Chickasaw District now? A Yes sir.
Q How long have you lived there? A Eight years.
Q Where did you live prior to that time? A Flint District.
Q How long have you lived in the Cherokee Nation? A Sixteen years.
Q Where did you come from when you came to the Cherokee Nation?
A Choctaw Nation; I was from Illinois there.
Q Have you resided continuously in the Cherokee Nation ever since you came from the Choctaw Nation sixteen years ago? A Yes sir.
Q Have you been outside of the Cherokee Nation in the past three years? A No sir.
Q What is your father's name? A R. B. Moore.
Q Is he living or dead? A Living.
Q What is your mother's name? A Mary N. Moore.
Q Is she living? A Yes sir.
Q Did your parents ever claim to be citizens of the Cherokee Nation? A Yes sir.
Q Were they ever recognized as citizens of the Cherokee Nation?
A No sir.
Q For whom do you apply? A Myself and daughter.
Q Not for your husband? A No sir; just myself and little girl.
Q Are you married? A No sir; I was married eleven years ago the 30th day of this month.
Q What is the name of your husband? A George K. Johnston.
Q Was he a Cherokee by blood? A Yes sir.
Q Is he living or dead? A He was living the last I heard of him.
Q Where were you living when you married him? A In Flint District.
Q What is the name of your husband's father? A I do not know.
Q How old is your husband? A About forty six now.
Q Is he a recognized citizen of the Cherokee Nation by blood?
A Yes sir.
Q How long did you live with him? A Eleven months.
Q Did you secure a divorce? A Yes sir; he did.
Q Upon what grounds? A He would not support me and family; we did not agree.
Q He secured the divorce? A I granted him the divorce; he wanted the child; he left me.
Q He left you? A Yes sir.
Q The reason he left you was because he could not support a family?
A Yes sir; he got tired of me.
Q To whom was the divorce granted, to you or to him? A To him.
He filed suit and we separated.
Q He filed the suit, did he? A Yes sir.
Q Have you any evidence of your divorce from him? A Yes sir.
Q Did you state that you and your husband lived together eleven months? A Yes sir.
Q Did you then leave him? A He left me.
Q Did you remain at the same place? A No sir; he took me to my father's and left me there.
Q And he stayed at the old home place? A Yes sir.

Q You never returned to him afterwards, did you? A No sir.

By Mr. Dale Warr, Cherokee Representative:

Q What were the grounds alleged against you for divorce?

A All I know is because he did not want to take care of me! He just took me back to my father's and left me there.

Q Is it not a fact that he alleged that you left him? A That is what he says, but it was the other way! That was his plan; that I would not live with him any longer.

Q Is it not a fact that he sued and obtained a divorce on the grounds that you wilfully deserted him? A I do not know! He left me.

Q That was his claim in Court, was it not? A Yes sir; that is what he left me for! There was no complaint! That is what he left me for.

Q Tell what the complaint was in Court? A No just - I do not remember now; his plan was that I would not live with him.

By the Commission:

The applicant presents a copy of the decree of divorce between herself and her former husband, Horace Johnston, issued on the 22nd day of May, 1892, at the regular sitting of the Circuit Court, signed by R. G. Ketcher, Clerk of Flint District, ~~Cherokee Nation~~ Court, Cherokee Nation, certified to by John R. Lynch, Clerk of the Cherokee Flint District, Cherokee Nation. The applicant also presents a certificate of marriage, certifying that she was married to one, Horace Johnston, a citizen of the Cherokee Nation, on the 30th day of October, 1889, by J. V. McPherson, District Judge of said Flint District, Cherokee Nation. Same is filed herewith.

Q Have you ever remarried since your divorce from your last husband? A No sir.

Q What is the name of this child for whom you apply? A Made Lee Johnston.

Q How old is the child? A Ten.

Q Is Horace Johnston the father of this child? A Yes sir.

(1892 Roll, Page 703, 2722, Geo. R. Johnson, Sagoyeh Dist.)
(1896 Roll, Page 107, 4920, George J. Johnson, Geo. District.)
(1896 Roll, Page 100, 4806, Made L. Johnson, Geo. Dist.)
(1896 Roll, Page 311, 2348, Dora Johnston, Geo. District.)

The applicant applies for the enrollment of her self and child. She is identified upon the census roll of 1896, as an adopted white. She presents a marriage certificate, showing that she was married to one, Horace Johnston, on the 30th day of October, 1889, in accordance with the laws and customs of the Cherokee Nation. She avers that she lived with him eleven months, when he took her to her father's house and left her. On the 22nd day of May, 1892, her husband, Horace Johnston brought suit for divorce in the Circuit Court of Flint District; and same was granted him.

Attention is called to Section 467, of the compiled laws of the Cherokee Nation for the year 1890, which reads as follows: "Every person who shall lawfully marry under the provisions of this Act, and afterwards abandon his wife, shall ~~forfeit~~ thereby forfeit every right and privilege of citizenship of this Nation". This section is equally binding upon a woman who shall marry a Cherokee by blood, and afterwards abandon him.

The applicant will be duly listed for enrollment by this Commission as an intermarried Cherokee, upon what is known as a doubtful card, for the further consideration of the Commission.

As the application was made on behalf of her child, Made Lee Johnston, the father of this child is identified on the roll of 1896, as a native Cherokee, and upon the census roll of 1896, as a native Cherokee. The child is identified upon the roll of 1896, as

as a person of color, and will be held liable for any and all acts by
her or her agent. The defendant has no other assets or income as
to her person and that of her child is the property of the
in the law prescribed by law.

When judgment is finally rendered in her case, she will be notifi-
fied at her present residence address.

Subscribed and sworn

The undersigned, being sworn, states that as stenographer to the
Commission to the Five Civilized Tribes, he accurately recorded the
testimony and proceedings in this case, and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

R. R. Chavies

Subscribed and sworn to before
me this 24th day of October, 1900.

M. D. Green

NOTARY PUBLIC.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., March 11, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
DORA JOHNSTON as a citizen of the Cherokee Nation; introduced on
part of the Cherokee Nation:

Appearances:

J. R. Sequichie, Chelsea, I.T., Agent for Applicant;
Mr. W. W. Hastings, Cherokee Representative.

GEORGE HARRIS JOHNSON, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HASTINGS:

- Q What is your name? A George Harris Johnson.
- Q What is your age, Mr. Johnson? A I will be 50, the 20th of April.
- Q What is your post office? A Tahlequah.
- Q Are you a Cherokee by blood? A Yes, sir.
- Q How many times have you been married? A Twice.
- Q What was the name of your first wife? A Isabelle Ross.
- Q Did you live with her until her death? A Yes, sir.
- Q What was the name of your next wife? A Dora Moore.
- Q When did you marry Dora Moore? A 30th day of October, 1889.
- Q How long did you and she live together as husband and wife? A Lived together nearly a year.
- Q Until the following September? A Following September.
- Q Where did you live? A Lived in Flint.
- Q Where did her parents live? A They lived there too, on Little Lees Creek.
- Q How far from you? A About three miles.
- Q What was the occasion of your separation; what was the cause of it? A Well, sir, I could not tell what; she wanted to go down to her father's; her mother come up there and she was about to be confined and she said she could take care of her better than I could. And finally she went down there.
- Q Was she confined down to her father? A Yes, sir.
- Q Did she ever go come back to your place after that? A Come and got her things.
- Q Did you try to get her to stay there? A Yes, sir; she set a day for me to go for her and I would go and something was the matter she could not come and put it off.
- Q And you went back after her again? A Yes, sir.
- Q And there would be some excuse at that time? A Yes, sir; finally she just told me she would not go back and the old man says for me not put my foot in his yard again.
- Q As I understand you you made several trips down there after her? A Yes, sir.
- Q And each time she put you off with some sort of excuse until the last time and the last time she said she would not go with you? A Yes, sir, and she said her mother told her if she ever went back with me she was done with her.
- Q You got a divorce from her did you? A Yes, sir.
- Commission: There is offered in evidence by the representatives of the Cherokee Nation a certified copy of the action for divorce and custody of the child of Morace Johnson versus Dora Johnson. The same will be filed and made part of the record.
- Q Mr. Johnson, this decree of divorce does not show the grounds that you alleged for divorce, what is them if you remember?

A Neglect and wilful desertion, as well as I recollect.

Q And you were granted the divorce upon that grounds? A Yes, sir.

Q You and she have never lived together since? A Never have; I wrote to her several times and tried to get her to come back but she would not never answer.

Q She has ever married since? A No, sir; I understood her a while back that she was going to marry, some four or five years ago.

Q You don't know whether she has or not? A No, sir.

Q You wrote her letters trying to get her to live with you? A Yes, sir, and asking her to come back.

Q You lived agreeably together for the first year until she went of that first time, as you stated? A Yes, sir, all right, everything went off, I was very well pleased and I thought she was.

MR. SQUICHIN:

Q Mr. Johnson, you how long did you know this woman before you married her? A I knew her about couple of years.

Q Well, after you were married she she express any desire to go home, go back to her mother? A Expressed any desire to go back to her mother?

Q She she show any desire to leave you? A She was always talking about if we should happen to part.

Q How long did you live together? A Nearly a year, from the 30th day of October until the 18th of September, the following September.

Q The first indications that you saw of her desire to go home during that time or her confinement, how did it happen to come around?

A I don't particular recollect, but her mother come up there and stayed a few days and go back.

Q Her mother? A Yes.

Q I am not speaking about her mother; I am speaking about her, did she ask you to take her home? A She asked me to take her to her mother; we was already I considered it home where she was living with me.

Q How long did you talk about that before you consented to take her at her first request? A I don't know, two or three times, a time or two, more than one time though.

Q Did she make the request herself? A Yes, sir, wanted to go down there.

Q Did she say she was going to stay there? A No, sir; she didn't say when she went she was going to stay.

Q Was it with the expectation that you were going to stay with her when you taken her up there? A No, sir; I had a child at home with me sick. She was confined and I would go down there every day, or every night that I would not go in the day I would go at night, and I would come back home.

Q Well, now, during her confinement she was at her mother's did she send you word she would not come back or did she tell you?

A She told me.

Q Did you go after her? A Yes, sir, until after she told me she would not come back and I wrote her a letter asking her to come back.

Q Was the relations with your wife agreeable and pleasant? A Yes, sir, never had a cross word while we lived together.

Q She had no reason to leave if she wanted to? A No, sir.

Q And you loaded her in a wagon and left her? A No, I took her down on a horse, horseback.

Q Mr. Johnson, haven't you been subpoenaed here before this Commission once or twice in this case? A No, sir; I never was subpoenaed until yesterday.

Q Did you get any service last week to appear here on the 8th? A No, sir, I ever get nothing until yesterday.

Q How far do you live from the post office? A My post office?

Q Yes. A I live about mile.

Q Do you get your mail regularly? A Yes, I get it pretty regularly. I only get one letter from here, from Mr. Starr here; I never get it though until last Saturday.

Q Well, now, when this case for divorce came up wasn't it understood generally you, you go to her and ask her if she was not to appear against you? A No, sir.

Q She agreed to give you the divorce? A No, sir.

Q Did she appear against you? A Yes, sir, she appeared against me.

-----00000000-----

I, J. O. Ressen, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, that I correctly recorded the testimony and proceedings had this day in the above case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Ressen
Stenographer.

020714

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 28 1902

Supp. - C.D. #724.

Department of the Interior,
Commission to the Five Civilized Tribes,
Washoe, L. T., March 21, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
DORA JOHNSON as a citizen of the Cherokee Nation, introduction part
of applicant:

Case continued by agreement from March 11, to March 21,
1902. Applicant present in person and by her Agent, J. R. Se-
quichie, Mr. W. W. Hastings, Cherokee Representative, present.

DORA JOHNSON, being duly sworn, testified as follows in
her own behalf;
MR. SEQUICHIE:

- Q What is your name? A Dora Johnson.
- Q Your age? A 32.
- Q What is your post office? A Campbell.
- Q Mrs. Johnson, are you a citizen of the Cherokee Nation? A
Adopted citizen.
- Q By intermarriage? A Yes, sir, 12 years ago.
- Q Who was your husband? A George Horace Johnson.
- Q Are you and your husband living together now? A No, sir.
- Q How long have you separated? A Eleven years ago.
- Q What year was it you separated? A He left me
in 1890.
- Q He swore on the stand here that you had, that your mother came
down to your house and took you away from your home?
- A She did not, she came down there to wait on me and stayed near a
week, and she didn't know I could go home, and he told me I could go
home with my mother and I got on the horse and went home and I had
been sick then nearly a week.
- Q Did you express any desire to go home? A No, sir.
- Q Did you ask him to take you home? A No, sir.
- Q How did you go up there? A I went horseback, he just told me
I could go.
- Q Did he go with you? A Yes, sir, he went with me.
- Q What did he say when you got there? A He says: "Here old man I
brought your girl to you" Pa told him all right to bring her
around to the other door and bring her in and he left me that even-
ing too sick, he knowed I was too sick when I left and he went home
and turned his horse outside and never put any bell on it or any
thing. And so far as my mother bringing me home she didn't know that
I was coming until one of the little girls said "Here is going with
her Ma." I didn't know I was going until I was ready to start.
- Q Did you ever go back down there after that to get your things?
- A Yes, I went after my things, you, sir, but he would not let me
have them.
- Q Did he ever tell you to come after your things? A Yes, sir,
he told me and I was afraid he would not get all of them.
- Q Did he ever come to your mother's house and try to get you to
go back? A He never tried very hard to get me to come home; he
came there and tried to aggravate me more than anything else, and
would say he was going down to where he came from.
- Q Did you and he have any words? A No, sir he teased me some-
times.

Q Did he provide for you? A Yes, sir; I was sick and went to my mother to get provisions while I was sick.

Q Did he have a farm? A No, sir.

MR. HASTINGS:

Q But he did try to get you to come back and live with him?

A Yes, sir; he asked me a few times, he went and lived with another woman and I would not live with him any more.

Q This is your father and mother you have got as witnesses?

A Yes, sir.

Q Have you ever married since that time? A No, sir.

Q Has he married? A No, sir.

Q Was he ever married before? A Yes, sir.

Q Was his first wife living? A No, sir.

Q How far did you go when he took you home? A About two miles, I went with him.

Q Now you got down there and about how long was it until he first asked you to come and live with him? A I don't know just when it was he asked me to live with him.

Q Well, about how long? A It was not a week, no, it was not a week, he didn't ask me to come back and live with him, he come and told me he was going to leave there; didn't ask me to live with him until then.

Q Well, how long after that until he asked you again? A He never did ask me himself, he sent parties.

Q He sent parties? A Yes, sir. When I was sick he never would come to see me but once when I was sick; my father, in January, he made him give me some medicine.

Q He did give you some medicine when you were sick? A Yes, in January and this was in December, he left there.

Q That was the January following he give you the medicine?

A No, sir.

Q January before? A Yes, sir.

Q Well, did he stay up there at his house? A Yes, sir, he stayed at his brother-in-law's house.

Q How long did he stay at the house until he left? A He stayed there until in the winter and moved in the house with an old lady.

Q Well, how long after you separated? A Well, it was in September.

Q And that was when he sent different people to come and and to live with you? A No, sir; and I would not go.

MR. SEQUICHIE:

Q Mrs. Johnson, you said now that he had taken up with another woman was that before he asked you to come and live with you? A He never asked me.

Q He sent other parties? A Yes, sir.

MR. HASTINGS:

Q Well, now, how long was it until he asked you to come and live with him? A About two months.

Q He did send some people to try and get you to come back?

A He was writing to a woman when he lived with me.

Q And that is the reason you separated? A No, sir.

Q You were jealous? A No, sir.

Q How long did you live with him? A About 11 months.

MARY E. MOORE, being duly sworn, testified as follows
on part of the applicant:

MR. SEQUICHIE:

Q State your name? A Mary E. Moore.

Q What is your age? A 36, 7th of April.

Q Where is your post office? A Campbell.

Q Mrs. Moore, do you know the applicant, Mrs. Dora Johnson?

A I ought to.

Q What relation is she to you? A My daughter.

Q Do you remember the time that she lived with her husband George Horace Johnson? A Yes, sir.

Q Do you remember the time that they separated? A I remember the time he brought her back home.

Q Well, now, Mrs. Johnson a few days ago here on the stand, George Johnson swore on the stand that you came down there and got your daughter? A I never either.

Q How did it happen? A She was sick and sent for me to come, and I went to wait on her and she was sick several days, and she got some better and then I says I believe I will go home if you will stay better, or wanted to go home and didn't intend to unless she did; so next day she was some better and he says to her--I seen him talking to her--"you can go home with your Ma, if you want to", and he done had the horse ready now before I knew anything about it, he had a horse ready, and got ready and taken her home and he says "I have brought your girl back." So she was still sick you know when she got home and he stayed a while and went off and left her. After she got so bad we sent for him to bring over an old lady to wait on her. When he got there he turned his horse out and would not answer for a long while; I sent my son and he went and finally he got up and got the old lady there, it was 11 o'clock, and he would not stay there, I didn't know what was the matter with him; he didn't seem like he wanted to do anything. That is the way he went on until the baby was ten days old and he came then--I didn't know what he said to her--he began to talk to her and got her excited and she taken a backset and next I got her to bed and got her warmed up and went on until the next morning she got up and in the evening she went away after she had taken a relapse and in the evening her sister come and I met her at the x gate

Mr. Hastings: I am going to object to what the sister said.

Q Well, he went away when she taken a relapse? A Yes, sir.

Q But he stayed there long enough to make her sick again?

A He would come back there every day.

Q Did he ever come back there and try to persuade her to go home with him? A I don't know what he said.

Q Did he ever come there and ask her to come back? A No, sir; I never heard him.

Q You never heard him ask her, and you said if she did come back you would not have anything to do with her? A I might have said it; I was mad; any man that would treat his wife that way, I might have said it.

Q You never heard him trying to persuade her to come back home?

A No, sir.

MR. HASTINGS:

MR. HASTINGS:

Q Well, she went off down there to your place? A He brought her there.

Q He had been there before? A Yes, sir.

Q And you would not let her come back? A No, sir.

Q Didn't you tell her to stay there? A No, sir.

Q You tried to persuade her to go back and live with him?

A No, sir, I didn't try to persuade her to go back, a man that would not take care of her.

Q You were in a good humore towards him? A No, I wasn't because he would not treat her right.

Q You thought he was an ideal son-in-law? A No, sir.

Q You never used any persuasion at all to keep her from going back?

A No, sir.

Q He sent a number of persons down there to try to get this woman

Q He sent a number of persons down there to try to get this woman to come back? A They was there.
Q And you knew that their business down there was to get this woman to come back and live with him and she would not go? A I don't know what their business was.
Q You didn't hear of it at the time? A No, not at the time.
Q You heard about it after they went away, that Horace Johnson had sent down there to get her to come back and live with him?
A I don't know what he done.
Q Didn't you hear that? A I never heard just ~~what~~ only what they would say after they were gone.
Q You heard it after they were gone? A Yes.
MR. SEQUICHIE:
Q Did Horace Johnson provide for her? A Very poorly.
Q How do you mean by that? A He didn't provide very much.
Q Was he a rustler, would he get out and work a good deal?
A No, sir, didn't rustle very much.
Q Did she ever depend on you? A She come to me when she was sick to get something to go on.

C. H. BALLINGER, being duly sworn, testified as follows on part of the applicant:

MR. SEQUICHIE:

Q What is your name? A C. H. Ballinger.
Q What is your age? A 44.
Q Post office? A Mounds.
Q Cherokee Nation? A No, sir; creek Nation.
Q Do you know the applicant here, Mrs. Dora Johnson?
A Yes, sir.
Q How long have you known her? A About, nearly 14 years.
Q Did you know her during her marriage to George Johnson?
A Yes, sir.
Q Did you live in the neighborhood in which they lived?
A Yes, sir, I was there most of the time.
Q Do you remember how long they lived together? A Not exactly, they didn't live but a short time together.
Q Do you remember the time of their separation? A Yes, sir.
Q Do you remember about it, just state as brief as you can what you remember about it? A Mr. Johnson, they separated and she came back home again and he said he could not take care of her. He was not there during her sickness, hadn't visited her any, and further more than that he turned her stock and stuff back over to her again.

MR. HASTINGS:

Q Do you know that yourself? A Yes, sir, I was there at the time.

MR. SEQUICHIE:

Q Were you present at the time he brought her back to her mother's?
A No, sir, I wasn't not at the exact time, I was just about the time

MR. HASTINGS:

Q Did you see him bring her back? A No, I don't know as I could recollect the day now.

MR. SEQUICHIE:

Q Did you see Mrs. Johnson here about the time that he brought her to her mother's? A Yes, sir.

Q You didn't see him bringing her but you saw her immediately afterwards? A Yes, sir.

Q What did Mr. Johnson say? A He said they could not get along together and brought her back home again.

Q Was that what he said, Mr. Johnson? A Yes, what I recall of him saying at the time.

Q That he brought her back and could not get along? A Could not get along together.

Q Well, do you know whether he ever tried to persuade her back home again or not? A No, sir, I don't know if I could state of a fact of my own knowledge.

Q Do you know of your own knowledge as to Johnson's connection with other women along about that time? A No, sir, I would not state of my own knowledge; that is just hearsay.

MR. HASTINGS:

Q Now, you weren't there when they came down to her father's? A Not the best I recollect of.

Q Now, what kin are you to this woman? A None at all whatever.

Q How long have you been gone from the neighborhood or Sequoyah district? A Some six or seven years.

Q You are a white man? A Yes, sir.

Q Are you a married man? A No, sir; I have been married in the states.

Q You are a single man now? A Yes, sir.

Q And this applicant is a single woman? A So far as I know at the present time.

Q How far do you live from her now? A About 40 miles.

Q You heard of him trying to get her to come back up there and live with him? A Yes, sir.

Q Heard it a number of times? A Yes, sir.

MR. SEQUOCHIE:

Q Are you related to Horace Johnson by intermarriage or otherwise?

A No, sir.

Q You didn't know anything about this case coming up here to-day?

A No, sir, just in town and met Mr. Moore out here.

Commission: The Agent for the applicant and representative of the Cherokee Nation present submit the case. The same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

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I, J. O. Pessen, do hereby certify upon my official oath as stenographer to the Commission to the five Civilized Tribes that I correctly recorded the testimony and proceedings this day had in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Pessen

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

940

In the matter of the application for the enrollment of
Dora Johnston as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 26, 1900, Dora Johnston appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her minor child as a citizen by blood of the Cherokee Nation. The minor child is differently classified, and is not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 11, 1902 and on March 31, 1902.

The evidence shows that the said Dora Johnston was lawfully married on October 30, 1889 to George H. Johnston, a citizen by blood of the Cherokee Nation and identified on the 1880 authenticated tribal roll of the Cherokee Nation.

The said Dora Johnston is identified on the 1896 Census Roll of the Cherokee Nation.

The evidence further shows that the said Dora Johnston lived with her husband, George H. Johnston, about eleven months after her marriage to him when she abandoned him, and that they have not lived together since that time. It further appears that George H. Johnston procured a divorce from Dora Johnston in May, 1892.

Section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats. ., 495) provides for the enrollment of Cherokee citizens

"with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section seventy-four, article fifteen of the Compiled Laws of the Cherokee Nation (1880; page 270) provides:

"Every person who shall marry under the provisions of this act and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this nation."

It is, therefore, the opinion of this Commission that the said Dora Johnston abandoned her husband within the meaning of the section of the Cherokee law above quoted, and that her application for enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this SEP 20 1902

ATTORNEYS

L. B. BELL

W. W. HASTINGS

J. B. DAVENPORT

J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

Muskogee, I. T., March 1, 1902.

B. W. Alberty, Esq.,

Tahelquah, I. T.

Dear Sir:

Please examine the Circuit Court record of *Thint* ~~Sequetan~~

District about the aY term of 1892, and see if You oan find
and divorce record of George W. Johnson or Hrace Johnson and
Dor a Johnson, and send us a certified copy of the same. If
You find the original papers in the case send us a certified
copy of the citation.

Your s truly,

ATTORNEYS

L. E. BELL

W. W. HASTINGS

J. E. DAVENPORT

J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

714

Muskogee, I. T., March 1, 1908.

Geo. Grace Johnson, Esq.,

Sallisaw, I. T.

Dear Sir:

A woman by the name of Dora Johnson has applied to the United States Commission for enrollment as a citizen of the Cherokee Nation by intermarriage. She claims she was married to You and that You and she separated. Please advise us what were the causes of this ~~divorce~~ separation, and also advise us whether she was married since she ~~divorced~~ left You; and if so who did she marry; and let us know any facts You may know that would affect her right to enrollment as a citizen by intermarriage of the Cherokee Nation.

Yours truly,

ATTORNEYS

L. N. HILL.

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

Muskogee, I. T., March 8, 1902.

r. and it is,

Dallam, I. T.

Dear Mr. Starr:

Enclosed herewith find a bill which please go
and serve at once on George Johnson. This bill, as I
understand, is still for George Johnson. Give the bill, and by
delivering it to me only, and then a check on the back of the
original the \$ to you and cash it, and give your name, and return
it to us with your bill for cash, and we will remit the
amount. We will have some more money to serve down there,
and if you will do the work for us you are always there.

Yours truly,

MARSHAL'S RETURN.

INDIAN TERRITORY, / ss
CHEROKEE NATION.

I Hereby Certify That I received the within summons on the 8th day
of March 5² P. M. 1901, and that I served the same by copy, as follows:

Personally on J. H. Johnson at Boedonia this 10th day of March 1901 2

Personally on at this day of 1901

Personally on at this day of 1901

At residence of at this day of 1901

At residence of at this day of 1901

At residence of at this day of 1901

With a member of witness's family over fifteen years of age there residing.

Worth Starr

Marshal for the Cherokee Nation.

J. H. Johnson

SUBPOENA.

INDIAN TERRITORY,
CHEROKEE NATION.

TO THE MARSHAL FOR THE CHEROKEE NATION:

You are Commanded in the Name of the Cherokee Nation, by authority of an act of the National Council of the Cherokee Nation, approved by the President Dec. 28th, 1900, entitled: "An Act providing for the representation of the Cherokee Nation before the United States Commission in making a roll of the colored citizens of the Cherokee Nation," to summons

George Horace Johnson

to be and appear before the United States Commission at *Muskogee* I. T.,

on the *7th* day of *March*, 190*2* then and there to give evidence

in such contested citizenship cases as the Attorneys for the Cherokee Nation may desire.

Given from under..... hand this the *3* day of *May*, 190*2*

W W Hastings

Attorneys for the Cherokee Nation.

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 714.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 24, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of Dora Johnston for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Acting Chairman.

Enc. C. No. 18.

COMMISSIONERS:
HENRY L. DAWES,
TANS BIXBY,
THOMAS B. NEEDLES,
C. R. DRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 714.

ENCLOSE ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 8, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of
date September 20, 1902, rejecting the application of Dora Johnston
for the enrollment of herself as a citizen by intermarriage of the
Cherokee Nation, was affirmed by the Secretary of the Interior on
October 27, 1902.

Respectfully,

C. R. Dreckinridge

Commissioner in Charge.

IN THE MATTER OF THE APPLICATION OF

Dora Johnston

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

The following were
neighbors & known about
separation —

Ellis Starr (got divorce for her)
Tom Sanders Wagoner on Jury
P.O. Shelwell

CHEROKEE

81

711

original testimony of
Memo. of Application of 1/20
Certified copy of marriage certificate
Certified copy of decree of divorce
Notice of final consideration 3/11
Proof of service of notice 3/11
Certified copy of divorce 2/11
Supplemental testimony 3/11

Cherokee Jacket 4962

Box D, 715

Box D 715

- This is to certify that the Geomancy
Staircase between the within named parties
was duly performed by me on the 17th day
of July 1884

John H. Sturges

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF CIVILIZED TRIBES

SEP 20 1884

2

This is to Certify that the Ceremony
Marriage between the within named parties
was duly performed by me on the 17th day
of July 1889

J. McElroy
Clerk of the Court

17

Marriage License.

CHEROKEE NATION,)
DELAWARE DISTRICT.)

To any Regular Ordained Minister of the Gospel, or any of the
Judges or Clerks of th s Nation, Execute and Return Greeting:

You are hereby commanded, In the
name of the Cherokee Nation, to solemnize
the Rites of Marriage between *Mr. J. L. ...*
... a citizen of the United
States, and *Miss ...*

a citizen of the Cherokee Nation by blood; the
said *...*

having complied with the law regulating the
intermarriage of white men and foreigners.

Given on this *10* day of *July*, 188*6*.

...
Clerk Delaware District.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

OCT 20 1900

[Handwritten signature]

ACTING CHAIRMAN.

[Handwritten mark]

13th Nov 87

1887

I hereby certify that I have this
day united in marriage of Ellen
and William Lawrence - in accordance
with the laws of the State of Victoria
& the ordinances of God

Rev G. E. Morrison,

Minister of the Gospel
in the M. E. Church

Witnessed,

James A. Ross

13th Nov 87

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE FIVE CIVILIZED TRIBES.

FILED
OCT 26 1900

[Handwritten signature]

Acting Chairman

[Handwritten signature]

[Handwritten signature]

EXECUTIVE DEPARTMENT,



CHEROKEE NATION.

E. "L"

Tahlequah, Ind. Ter., Nov. 19th 1895

To whom it may concern,

I W. H. Mayes Asst. Executive Secretary
do hereby certify that, by an act of the
National Council, approved Dec. 1st 1894,
Kittie Flournoy and family were read-
mitted to all the rights and privileges
of citizenship in the Cherokee Nation

W. H. Mayes
Asst. Executive Secy.

CERTIFICATE OF TRUE COPY.

United States of America,
INDIAN TERRITORY,
Northern District.

I, CHARLES A. DAVIDSON, Clerk of the United States Court in the Northern District Indian Territory, and ex-officio Recorder of said District and Territory, do hereby certify that the instrument hereby attached is a full, true and correct copy of a ^{marriage} ~~Chattel~~

^{License} ~~Marriage~~ filed in my office on the 4 day of Nov 1898, at o'clock M., and Renewal Affidavit filed 1900

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this 13 day of October, A. D. 1900.

Charles A. Davidson
Clerk and Ex Officio Recorder.

By

W. J. Ford
Deputy Clerk.

RECEIVED
COMMISSIONER OF THE INDIAN
AFFAIRS
AT THE FIVE CIVILIZED
SOCIETIES
JAN 20 1899

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this 4 day of November, A. D. 1898

James A. Winston
Deputy.

I, JAMES A. WINSTON, Clerk of the United States Court in the Northern District Indian Territory, do hereby certify that the instrument hereby attached was filed in my office the 4 day of November, at M., and duly recorded

Marriage Record, Page 222

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

CERTIFICATE OF RECORD.

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA,
INDIAN TERRITORY. } SS.
Northern District.

I, JAMES A. WINSTON, Clerk of the United States Court in the Northern District,
Indian Territory, do hereby certify that the instrument hereto attached was filed in my office
the 4 day of November, at M., and duly recorded
in Book 9, Marriage Record, Page 222.

WITNESS my hand and seal of said Court at Muskogee, in said
Territory, this 4 day of November A. D. 1898
James A. Winston Clerk.
By Deputy.

RECEIVED
NOV 11 1898
DEPT. OF THE INTERIOR
COMMISSIONER
TO THE FIVE CIVILIZED TRIBES

CERTIFICATE OF TRUE COPY.

United States of America.

INDIAN TERRITORY.

Northern District.

I, CHARLES A. DUNBAR, Clerk of the United

States Court in the Northern District Indian Territory, and ex-officio Recorder of said District and

hereby certify that the instrument hereto attached is a full, true and correct copy of a

Marriage Record filed in my office on the 4 day of Nov 1898, at o'clock M., and

Renewal Affidavit filed

1900

WITNESS my hand and seal of said Court at Muskogee, in said Territory.

this 13 day of October

A. D. 1900

Charles A. Dunbar

(Clerk and Ex-Officio Recorder)

Deputy Clerk.

By

Winston

MARRIAGE LICENSE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

SS

No. 679

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE, GREETING:

You are Hereby Commanded to Solemnize the Rite and publish the Banns of Matrimony
between Mr. *Henry J Richardson*
of *Tulsa* in the Indian Territory, aged *40* years, and
Mrs *Kittie Hounley*
of *Tulsa* in the Indian Territory, aged *38* years,
according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at *Vinila* Indian
Territory, this *12* day of *September*, A. D. 1898

By *J. H. Anderson* Deputy.

Justa Winston
Clerk of U. S. Court.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

SS.

I, *E. J. Booth*, a Minister of the Gospel,
DO HEREBY CERTIFY, that on the *22* day of *Sept*
A. D. 1898, I did duly and according to law as commanded in the foregoing License,
solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this *29* day of *September*, A. D. 1898

My Credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District,
Book *B*, Page *26*

E. J. Booth
A Minister of the Gospel.

NOTE: This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court in the Northern District, Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars (\$100.00.)

CHEROKEES BY BLOOD AND ADOPTION.

Date Oct. 26. 1900 1900.

42 Henry J. Richardson Owassa, O.T.
Name

District _____ Year 189 Page _____ No. _____

Citizen by blood no Mother's citizenship _____

Intermarried citizen Yes Louletful

Married under what law Cherokee Date of marriage (1886)(1898)

License _____ Certificate _____

38 Kitty Richardson Wes. Dawson
Wife's name

District _____ Year 189 Page _____ No. _____

Citizen by blood Yes Mother's citizenship _____

Intermarried citizen no

Married under what law _____ Date of marriage _____

License Filed Oct 26. 1900 Certificate Filed Oct. 26. 1900.

Names of Children:

	Dist.	Year	Page	No.	Age
3. <u>Odith F. Richardson</u>	<u>Cherokee</u>				
4. <u>John P. "</u>	<u>Cherokee</u>				
5. <u>Edgar Flourney</u>	<u>Cherokee</u>				
6. <u>Walter "</u>	<u>Cherokee</u>				
7. <u>Horner "</u>	<u>Cherokee</u>				
8. <u>Alice "</u>	<u>Cherokee</u>				
9. <u>Laura "</u>	<u>Cherokee</u>				
10. <u>Oscar "</u>	<u>Louletful</u>				
11. <u>Claude "</u>	<u>Louletful</u>				
12. <u>Edna "</u>	<u>Louletful</u>				

3. on 1896 roll as Odith F. Richardson

4. Affidavit to be supplied.

DOUBTFUL.

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I. T., October, 26th 1900.

In the matter of the application of Henry T. Richardson for the enrollment of himself, wife, children and step-children as Cherokee citizens. He being sworn testified before the Commission as follows:

- Q What is your name? A. Henry T. Richardson.
Q How old are you? 42.
Q What is your post office? A. Owasso, I. T.
Q Do you live in Geeweenocovee district? A. Yes sir.
Q Who is it that you want to have enrolled? A. Myself, wife, children and step-children.
Q How many children have you of your own? A. Two.
Q How many step-children have you? Eight.
Q Do you apply as a Cherokee by blood? A. No sir.
Q White man? A. Yes sir.
Q Is your wife a Cherokee by blood? A. Yes sir.
Q Let me see your marriage license and certificate.
Applicant presents license issued by the Clerk of Delaware District July 10th 1896, authorizing his marriage to Mrs Sellar Dawson. The certificate shows that they were united in marriage by the Clerk on the following day. This is filed herewith.
Q Is that wife living now? A. No sir she is dead.
Q She was a Cherokee by blood was she? A. Yes sir.
Q When did she die? A. Been dead eight years.
Q How old was she when she died? A. I believe she was 24 years old.
Q Would be some 32 years old now if living? A. Yes sir.
Q Was she born in the Cherokee Nation? A. Yes sir.
Q Did she live here all her life as far as you know? A. She was here when I got acquainted with her; since I come to think of it, I believe she was born in Texas.
Q How did she acquire her right to Cherokee citizenship? A. Through her dad, he was admitted by the Cherokee Commission.
Q Have you a certificate of his admission? A. Yes sir
(HERE APPLICANT HANDS COMMISSIONER SEVERAL PAPERS)
Q Your people applied to the Dawes Commission for citizenship did they not? A. Yes sir.
Q Give me the name of the mother of your wife Sellar. A Cant do it.
Q Give me her fathers name? A. W. A. Dawson.
Q Is he dead? A. Yes sir.
Q How long? A. Two years.
Q Was your case ever taken to the United States Court after you applied to the Dawes Commission? A. No sir, it was not.
Q Give me the name of your present wife. A Kitty.
Q How old is she? A. 28.
Q When did you marry her? A. In 1898. September.
The applicant presents a license issued by the Clerk of the United States Court for the Northern District of the Indian Territory on September, 18th 1898, authorizing his marriage to Mrs Kitty Flourney. The certificate shows that they were married on the 23d of the same month and same year by the Rev. E. J. Booth. This is filed herewith.
Q You lived with your first wife in the Cherokee Nation until she died did you? A. Yes sir.
Q Have you continued to live in the Cherokee Nation ever since that time? A. Yes sir.
Q Have you lived with your second wife ever since you married her in September 1898? A. Yes sir.
Q Your present wifes name when you married her was Flourney was it? A. Yes sir.
Q That was not her maiden name was it? A. No sir.
Q What was her name before she married Flourney? A. She was a Dawson.

Henry T. Richardson 3.

Q Had she been married only once before she married you? A. Yes sir.
Q Was her former husband dead when she married you? A. Yes sir.
Q Were you only married once before you married your present wife?
A. Yes sir.
Q Was your present wife born in the Cherokee Nation? A. No sir, born
in Arkansas.
Q Is she on the roll of 1880? A. No sir I think not.
Q You think she was admitted by the Cherokee Commission? A. Yes sir
she was admitted twice.
Q Has she ever been a party in an application to the Dawes Com-
mission for admission to Cherokee Citizenship? A. In the one that
I have here.
Q It appears there under the name of Flournoy? A. Yes sir.
Q How comes it that this paper is in your possession when it is
addressed to the Dawes Commission? A. They sent them back to me and
said we was already enrolled.
Q Have you the papers showing that fact? A. Not with me, I have
some of the letters at home in my trunk.
Q How long has your present wife lived continuously in the Cherokee
Nation? A. Ever since she was admitted in 1884.
Q Did your wife draw Cherokee strip money in 1894? Your present
wife? A. Don't think she did. I drew money, strip money, for my
child. My first wife was dead.
Q Give me the name of your child? A. Della T. Richardson. She is by
my first wife.
Q How old is she? A. 12 years old.
Q Have you only one child by that wife? A. Just one.
Q Give me the name of your next child? A. Finis T. Richardson.
Q How old is this one? A. 11 months old.
Q That is a child by your present wife? A. Yes sir.
Q Give me the names of your step children. A. Edgar Flournoy.
Q How old is he? A. 20.
Q Next child? A. Walter.
Q How old is he? A. 19.
Q Next child? A. Florence.
Q How old is she? A. 17.
Q Next child? A. ~~xxxxxx~~ Alice.
Q How old is she? A. 15.
Q Next child? A. Laura.
Q How old is she? A. 13.
Q Next child? A. Oscar.
Q How old is he? A. 10.
Q Next child? A. Claude.
Q How old is this one? A. 6.
Q Next child? A. Edna.
Q How old is she? A. 4.
Q Are these all Flournoy children? A. Yes sir.
Q Are these children all living now? A. Yes sir.
Q Are any of them on the roll of 1896? A. They should all be on, I
enrolled them right here in 1896.
1896 roll, Page 239, No 3958, Deliah T. Richardson, Cooweescoowee.
1896 455 2407 Della T. Richardson, Delaware Dist.

The applicant ~~xxxxxxxxxxxxxxxxxxxx~~ presents a certificate
of admission to Cherokee citizenship showing that on the 9th of
September, 1884, there was admitted to citizenship by the Cherokee
Commission Ella Dawson. (Q How is that intended as the name of
your first wife? A. Yes sir—Q How is it that you claim admission
for your first wife? A. Her father was admitted with her.) The
name of W. A. Dawson (father of applicants first wife) is in-
cluded in this certificate as having been admitted at the time stated.

Q. You say that you have a certificate in regard to the admission

Henry T. Richardson 3.

of your present wife? A. Yes sir.

Q Your wife was also a party to an application to the Dawes Commission in 1896? A. Yes sir.

The applicant now presents a certificate signed by W. H. Mayes under the seal of his office as Assistant Executive Secretary, certifying that by act of the National Council, approved December, 1st 1894, Kitty Flournoy and family were admitted to all the rights and privileges of citizenship in the Cherokee Nation.

Q Kitty Flournoy is your present wife? A. Yes sir.

Q Has she lived in the Cherokee Nation ever since her admission in 1894? A. Yes sir.

Q And all her children that were living at that time, have they continued to live in the Cherokee Nation since their admission to citizenship? A. Yes sir.

Q Has your wife Kitty Flournoy ever been a party to an application for Cherokee citizenship before the Dawes Commission? A. Yes sir.

Q How did she happen to get her rights disputed and have to make application to the Dawes Commission? A. She was enrolled and they dropped her off.

Q You are not able to present at the present time any evidence of the final result of the application to the Dawes Commission, which included the application of both of your wives? A. No sir I cannot.

The applicant applies for the enrollment of himself, wife, two children and eight step children. He is shown to have married his first wife in accordance with Cherokee laws in 1886. He states that he has lived in the Cherokee Nation ever since. That he lived with his first wife until she died and that since her death he has married again, to (as he alleges) another Cherokee woman. He claims admission to Cherokee citizenship for his first wife by a certificate cited in the testimony, through her father. He states that her father, W. A. Dawson was a party in an application to the Dawes Commission for admission to citizenship. The applicants second wife is shown to have been admitted to citizenship by the Cherokee council on 1894, but he states that she has been a party in an application before the Dawes Commission for admission to Cherokee citizenship. His first wife is said to have been admitted after 1880 and to have died before the roll of 1896 was made. His second and present wife is not identified on any roll. His second marriage established by license and certificate filed herewith. Neither is the applicant identified on any roll. Under these circumstances his application for enrollment will be placed upon a doubtful card for further consideration. A search at this time of the Commission records does not disclose the proceedings had in this case. Applicant will be classed as a Cherokee by intermarriage. His present wife Kitty will be classed as a Cherokee by blood on a doubtful card to await the further examination of the Commission records. When he files certificate of birth as to the infant Finis T. Richardson, the child of the present marriage, this child will be classed as a Cherokee by blood on a doubtful card. The child Delia T. Richardson, a child by the first wife, is identified on the rolls of 1894 and 1896. It appears from the admission of this child to enrollment that she was born at a time when her mother possessed rights afterwards disputed by the Cherokee authorities, and that as a minor these rights were continued to her, but for the present she will be classed as a Cherokee by blood and placed on a doubtful card to await the inquiry indicated. Of the eight step children named in the testimony, all the children of the applicants present wife by her first husband Flournoy, no record is found on any of the rolls. They are all minors at this time and

Henry T. Richardson 4.

will be classed as Cherokees by blood on a doubtful case to await the investigation of the rights of their mother.

S U P P L I M E N T A L .

Q Your first wife Sellar Dawson, was she ever married before she married you? A. No sir.

Q Were you ever married before you married her? A No sir.

Q Your second wife Kittie Flournoy was married before, you are her second husband? A. Yes sir.

Q Her ~~husband~~ first husband was dead when she married you was he? A Yes sir.

The applicant presents a certificate of marriage showing that his present wife was married in April, 1889 to J. G. Flournoy. She must have been previously married to him under the laws of the United States as she is mentioned therein as Mrs. Kittie Flournoy. Said certificate shows that she was married by the Rev. G. E. Morrison. This is filed herewith.

* * * * *

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause and that the foregoing is a full, true and correct transcript of his stenographic notes in said proceedings.

Chas von Weise

Subscribed and sworn to before me this the 26th of October, 1900.

M. J. Green
Notary Public.

Supplemental. D. 715.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Claremore, I.T. October 28th, 1900.

SUPPLEMENTAL PROCEEDINGS IN THE MATTER OF THE APPLICATION OF HENRY T. RICHARDSON FOR THE ENROLLMENT OF HIMSELF, HIS WIFE, CHILDREN AND STEP-CHILDREN, AS CHEROKEE CITIZENS. ON D CARD 715.

COMMISSIONER C. R. BRINKRIDER: It is ordered that in the application of Henry T. Richardson for the enrollment of himself, wife, children and step children, made on October 26th, 1900, card D. 715, the application therein made for his step child Florence Flournoy be cancelled her correct name at this time being Florence Morgan, and she is covered by application made this day by her husband Albert L. Morgan for the enrollment of his wife and child.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the supplementary and exam proceedings in this application for enrollment at the time and place above mentioned, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 28th day of October A. D. 1900.

[Signature]
Commissioner.

3-11-62

1-13-62

ACTING CHAIRMAN

1-13-62
1-13-62
1-13-62

5/4 5

In the presence of the undersigned, Henry T. Richardson, of the Cherokee Nation, and his wife, Stella Dawson, and their children, Emma E., John T., and James Cecil Richardson, and their children, Walter, Walter, Alice, Mary Dean, Claude and Mable Blumroy, as citizens by blood of the Cherokee Nation.

Supplemental to D-724.

HENRY T. RICHARDSON, being duly sworn, testified as follows:
Examination by the Commission.

- Q. Your name is Henry T. Richardson? A. Yes, sir.
Q. How old are you? A. 44, I think.
Q. What is your post office? A. Cowhee.
Q. You are a white man are you? A. Yes, sir.
Q. Claiming as a citizen by intermarriage? A. Yes, sir.
Q. What is the name of the wife through whom you claim citizenship?
A. Stella Dawson was her name.
Q. When were you married to Stella Dawson? A. In '06, I believe.
I don't just remember when. My license will show.
Q. Married under a Cherokee license, were you? A. Yes, sir.
Q. Was Stella Dawson a Cherokee by blood? A. Yes, sir.
Q. Is she dead? A. Yes, sir.
Q. When did she die? A. She has been dead about 10 years--all-
10, I reckon.
Q. Did you live with Stella Dawson from the time of your marriage
up until the time of her death? A. Yes, sir.
Q. You have married again? A. Yes, sir.
Q. Who did you marry? A. Little Blumroy.
Q. Is she living? A. Yes, sir.
Q. When did you marry her? A. It has been about four years.
My license here will show that.
Q. She was admitted to citizenship, was she? A. Yes, sir.
Q. Have you and your wife Little been living together in the
Cherokee Nation? A. Yes, sir.
Q. Have you made your home out of the Cherokee Nation since you
were married to Stella Dawson? A. No, sir; been here ever since.
Q. Had Stella Dawson been married before she married you?
A. No, sir.
Q. Had you ever been married before? A. No, sir.
Q. You have got some children by your first wife? A. No, sir.
Q. By your second wife? A. Yes, sir.
Q. Isn't the first child a child by your former wife? A. Yes,
sir.
Q. Your wife has some children by her former husband? A. Yes,
sir.
Q. You made application for these children? A. Yes, sir.
Q. These children are all living with you? A. Some are married.
I never made application for one of her children. She was married.
I made application for the rest. The children unmarried and still
living are living with me.

James O. Carr, being first duly sworn, deposes that as
steward of the Company to the Iowa Division of the
Federal Reserve Bank he has seen and that the foregoing is a true
and complete transcript of the stenographic notes thereof.

James O. Carr

Subscribed and sworn to before me this 20th day of November, 1920.

B. G. Jones
Notary Public.

2/1/21

To be filed with C. D. 715, Henry T. Richardson et al.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I. T., SEPTEMBER 17th, 1900.

IN THE MATTER OF THE APPLICATION OF Francis Marion Dawson, wife and children, for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, C. R. Brookinridge, testified as follows:

Q What is your full name? A Francis Marion Dawson.
Q What is your age? A I am fifty eight years old.
Q What is your Postoffice? A Ocooma.
Q What District do you live in? A Delaware.
Q Who is it you want to have enrolled? A Myself and family.
Q Your wife? A Yes, sir.
Q How many children? A Six.
Q Do you apply for enrollment as a Cherokee by blood? A Yes, sir.
Q Is your wife a Cherokee by blood? A No, sir; she is a white woman.

Q How long have you lived in the Cherokee Nation? A Since 1883.
Q Were you admitted by the Cherokee Commission? A Yes, sir.

The applicant presents a duly authenticated certificate of admission to citizenship, showing that on the 11th day of January, 1883, certain persons were admitted by the Commission on citizenship, and among them appears the name of F. M. Dawson.

Q That is your name, is it? A Yes, sir.

This is recognized as satisfactory evidence of the facts stated.

Q Have you lived in the Cherokee Nation ever since your admission?
A Yes, sir; in Delaware District ever since.

Q Give me the name of your wife? A Katie Dawson.

Q How old is she now? A Forty five.

Q Was she admitted with you? A No, sir.

Q Have you married her according to Cherokee law since your admission? A No, sir.

Q You have not remarried since your admission? A No, sir; it was not necessary.

The applicant presents a duly authenticated marriage license and certificate, showing that he was married to his wife, as stated by him, in 1880, by the Reverend R. W. Goudelock, in Carroll County, Arkansas, the license being issued by the clerk of that County.

These papers are filed herewith.

Q Your wife was not admitted by the Cherokee Commission, when you were? A No, sir.

Q Or at any other time? A No, sir.

Q By act of the Commission or Council? A No, sir; she was placed on the rolls.

Q On the census rolls? A Yes, sir.

Q Give me the names of your children, please? A Lula.

Q How old? A Seventeen.

Q Next child? A Ray.

Q How old? A Fifteen.

Q Next child? A Jessie Jane.

Q How old? A Fourteen.

Q Next child? A Jacob Levy.

Q How old? A Ten.

Q Next child? A Hugh A.

Q How old? A He is eight I believe.

- Q Next child? A Laura.
 Q How old is that child? A She is four years old.
 Q Is that all? A Yes, sir; six of them. I have others, but they are not at home.
 Q Are they married? A No, sir.
 Q Are they over age? A Yes, sir.

(1896 Roll, Page 461, #902, Francis Marion Dawson, Delaware.)
 (1896 Roll, Page 569, #135, Katie Dawson, Delaware District.)
 (1896 Roll, Page 461, #903, Lula Dawson, " ")
 (1896 Roll, Page 461, #904, Ray Dawson, " ")
 (1896 Roll, Page 461, #905, Jesse James Dawson, Delaware Dist.)
 (1896 Roll, Page 461, #906, Jacob Levy Dawson, " ")
 (1896 Roll, Page 461, #907, Hugh A. Denmore Dawson, " ")
 (1896 Roll, Page 461, #908, Laura Albertie Dawson, " ")

- Q Is this Lula or Luly? A Luly.
 The applicant applies for the enrollment of himself, wife and six children:
 Q Were these children all born since you were admitted into the Cherokee Nation? A Yes, sir.

The applicant is shown by the certificate of admission, cited in the testimony, to have been admitted to Cherokee citizenship, by the Commission on Citizenship, January 11th, 1893; he is identified on the roll of 1896, but the representative of the Cherokee Nation desires to make inquiry into the methods of that time, and for that reason, the application of the applicant will at present be placed on a "Doubtful Card." He has lived in the Cherokee Nation ever since his admission to citizenship. His wife was married to him under United States law, and was married prior to his admission: she has never been remarried according to Cherokee law: she has lived with him ever since his admission to citizenship, and she is identified on the roll of 1896. The application for her enrollment will be placed on a "Doubtful Card".

Their six children, as enumerated in the testimony are identified on the roll of 1896: They are living at this time, all having been born since his admission (Applicant's). These children will be placed with him on a "Doubtful Card". The applicant's marriage to the mother of these children is established by the marriage license and certificate filed herewith. If any additional papers, adverse are developed in this case, he will be given timely notice thereof.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) R. R. Cravens.

Subscribed and sworn to before me
 this 16th day of September, 1900.

(Signed) C. R. Breckinridge,
 Commissioner.

BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the enrollment
of F. M. Dawson and others as
Cherokee citizens.

Depositions of sundry persons in behalf of the applicants for enrollment mentioned in the title, taken before me, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, at the office of G. B. Denison in the Gray-Halsell building in the town of Vinita, Indian Territory, on Thursday the fourth day of October 1900, between the hours of one and a half o'clock and six o'clock in the afternoon of said day, in accordance with the agreement to take testimony, entered into between the applicants and the Cherokee Nation, by their respective attorneys, which agreement is hereto attached.

T. F. Thompson, being produced by the applicants, being first duly sworn to testify to the truth, the whole truth and nothing but the truth, testified as follows:

DIRECT EXAMINATION BY G. B. DENISON:

- Q State your name, age, residence and occupation?
A T. F. Thompson, 53 years old, I live near Vinita, Cherokee Nation.
Q I am a farmer.
Q How long have resided in the Cherokee Nation? A All my life.
Q Are you a citizen of the Cherokee Nation as now constituted?
A Yes, sir.
Q Upon what is that citizenship based, blood or otherwise?
A Blood.
Q What, if any official position have you held in the Cherokee Nation, and at what time?
A I was elected to the Cherokee Council in 1870 some odd, I don't remember the exact year, I was also on the Commission Court.
Q Do you remember when that was? A Some time in 1880 or 1881, I think, it may have been earlier.
Q Did that Commission or Court have anything to do with admission to citizenship in the Cherokee Nation? A Yes, sir.
Q State, if you remember, how many members of that Commission or Court, there were, and who they were besides yourself?
A There were three, Teeho, Wolf and myself, Teeho was President of the Court.
Q Where were the sessions of that body held? A Tahlequah, Cherokee Nation.
Q Did you have a Clerk? A Yes, sir.
Q Do you remember who that was? A D. W. C. Duncan.
Q Do you know whether the members of that Commission beside yourself, are living or dead? A Yes, sir, they are both dead.
Q Can you recollect now what period of time that Commission lasted?
A About two years I think, two, sessions, and there was one session each year.
Q Were the sessions of that body held in Tahlequah, open to the public at all times when it was in session?
A Yes, sir.
Q Were the cases coming before that body heard in open session?
A Yes.
Q Witnesses examined orally? A Yes, sir.

Q Judgments of the Court or Commission pronounced in open session?
 A In case of decisions I think they sometimes had secret sessions, yes, the judgments of the Commission were pronounced openly.
 Q What you intended to convey by you answer to the former question was that after hearing the proof the Commission or Court deliberated in secret session upon the testimony taken before reaching a decision or announcing it? A After hearing all the testimony we went into secret session.
 Q I will present you with a paper which the Notary will mark exhibit "A" and a copy of which he will attach to your deposition, and will ask you if with the exception of the certificate of record by H. L. Bragdon, Clerk, and John L. Adair Asst. Ex. Secretary, you recognize it as a paper you have ever seen before?
 A I recognize the signature to it, but don't remember the instrument.
 Q Which signature on that paper do you recognize? A My own.
 Q That signature is in your own handwriting? A Yes, sir.
 Q Do you know whether Thomas Teehe, president of the Commission could write in English or not? A No, I don't think he could.
 Q How as to Alexander Wolfe, a member of the Commission?
 A I don't think he could write either, I don't think either of them ever wrote except by touching the pen.
 Q Were you, and are you familiar with the handwriting of D. W. C. Duncan, the Clerk of that Commission?
 A Tolerably well, but it has been a long time since I saw any of it.
 Q Will you look at the paper again and say whether you recognize his signature attached thereto?
 A Yes, that is his signature to the best of my knowledge.
 Q Do you preserve any personal recollection of the application before that Commission of F. M. Dawson and other members of the Dawson family, to be admitted as citizens of the Cherokee Nation by that Commission?
 A I remember F. M. Dawson and his brother, that is about the only ones I remember.
 Q The question was not as to the personal recollection of the individuals, but as to the claim being presented by the Dawsons for admission?
 A Yes, there was such a claim before the Commission.
 Q Can you state as to the citizenship of Thomas Teehe, whether he was a citizen of the Nation by blood or not?
 A Yes, sir, he was always recognized as such, full blood besides.
 Q What is your knowledge of Alexander Wolfe?
 A About the same, he was also a full blood and recognized as a Cherokee.
 Q Judge Thompson, if you possessed or had, or have now any knowledge of any corruption or bribery of the Court or Commission, or any member of it by F. M. Dawson or any of the Dawson family or anybody connected with the presentation of their claim for citizenship, state it fully?
 A None whatever as far as I was concerned, and I don't think there was by the balance of the Court.

CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q Do you mean to say Mr. Thompson that your name attached to the certificate shown you is in your handwriting?
 A Yes, sir.
 Q When Mr. Duncan certified that this is a transcript of the decision in the case, he is mistaken, that is the original?
 A No, I don't know, that may be the original, if that is not the original I did not sign it, if it is the original I signed it.
 Q You state that the witnesses were examined orally before the Court, don't you know that in almost every case you took ex parte

affidavits of witnesses when those witnesses were not present?

A I think we ruled ex parte evidence out, as well as I remember.

Q Did you have any stenographer or anybody to copy the evidence? Mr. Duncan did all of the copying.

Q Was the evidence copied and preserved?

A Yes, sir, I think it was.

Q What was done with that evidence, where was any of it ever put?

A I suppose it is at Tahlequah in the office of the Treasurer or Secretary.

Q When you went into secret session did you have Mr. Duncan read that evidence to you?

A Yes, sir, we went over the evidence thoroughly.

Q Did you allow the applicants or their attorneys admission to any of your secret sessions?

No, sir.

Q When you got ready to render your decisions did you then send for the applicants or their attorneys?

A No, sir.

Q And you rendered them in secret also, did you? A Yes, sir.

Q Have you any recollection who testified in the Dawson case, as to their claim? A No, sir, I have not.

Q Have you any recollection as to who they claimed their Cherokee ancestors were? A Yes, sir, they claimed the Rogers.

Q Did they claim relationship with any of the present families of Rogers residing in the Cherokee Nation?

The applicant objects to this question as tending to elicit testimony wholly incompetent and irrelevant to the issue, and not cross-examination of this witness.

A I don't know that they did, particularly.

Q How would your court determine when they claimed descent through some Rogers family, that that family was of Cherokee blood?

The applicant objects to the question upon the same grounds as their objection to the previous question.

A By the evidence they produced.

Q Didn't you make them prove that that family was well known at one time to be connected with the Cherokee Nation, and were citizens thereof? A Yes.

Q Who was the attorney for the Dawsons? A Old man Houston Benge.

Q Could either Teehe or Wolfe speak English? A They could understand, but they never spoke English, they had an interpreter.

Q Did you ever talk to either of them as to whether they got anything for deciding this case? A No, sir.

Q How long were you considering the case altogether?

A I could not say as to that, I think we were on it two or three weeks anyhow, I could not say positively now, they were a long time getting in testimony.

Q There were only two or three witnesses examined all told, were there not?

A I think so, three I think, they had quite a lot of affidavits, but we did not consider them.

Q Well the Court was a good while arriving at its conclusion after the evidence as closed?

A Yes, quite a good while, I don't remember the exact time.

RE-DIRECT EXAMINATION:

Q Do you remember who the interpreter the Commission had during the hearing of the Dawson case.

A His name was Reese, I forgot his given name.

Q Do you know whether he is living or dead?
 A I don't know, he seemed to be in bad health at the time we had the case up, I think they are all dead but me and Mr. Duncan.
 Q What was he, a Cherokee by blood?
 A He was considered a Cherokee by blood.
 Q Do you know where he lived at that time?
 A No, sir, he lived in the South part of the Nation though, I think in Sequoyah.

(Signed) T. F. Thompson.

Copy of Ex. "A" to T. F. Thompson's Testimony.

CERTIFICATE OF RECORD.

United States of America,
 Indian Territory,
 Northern District.

I, Marshall L. Bragdon, Clerk of the United States Court in the Indian Territory, her-by certify that the instrument hereto attached was filed for record in my office the 9 day of March, A. D. 1893, at 10-30 o'clock A. M. and duly recorded in book C. Micl Record Mortg. & Liens, page 339.

Witness my hand and seal of said court at Muskogee, in said Territory this 18 day of March, A. D. 1893.

(SEAL)

M. L. Bragdon,

Clerk.

Transcript to which this is attached, endorsed on back as follows:

"No. 108, Robt. Dawson et al, VS the Cherokee Nation,
 Transcript of Judgment, Filed Mar. 9, 1893 10-30 A. M. Marshall L. Bragdon, Clerk.,

OFFICE OF COMMISSION ON CITIZENSHIP,
 TAHLEQUAH, CHEROKEE NATION, JANUARY 11th, 1893.

Robt. Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilbron Dawson, James Dawson, Rial Dawson,
 No. 108 VS,
 The Cherokee Nation.

And now on this, the 11th day of January, A. D. 1893, this case coming on for final hearing and all the evidence produced in the case being carefully read and duly considered by the Commission, it was adjudged and determined by the Commission on Citizenship, that the claimants, Rob't Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilbron Dawson, James Dawson, and Rial Dawson, are Cherokees by blood; and that they are entitled to all the rights and privileges of Cherokee citizenship within the Cherokee Nation, and that they should be, and they should be, and they are hereby

admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

D. W. C. Duncan,) Thomas Tehee, President of Com.
Clerk of Commission.) Alex Wolf,) Commissioners.
T. F. Thompson,)

I hereby certify that the above is a correct transcript of the decision of the Commission on Citizenship in the above entitled case as appears of the record in my office.

January 11th, 1883. D. W. C. Duncan,
Clerk of Commission.

Executive Department,
Tahlequah, Cherokee Nation,

January 11th, 1883,

I hereby certify that the within named Commission on Citizenship, composed of Thomas Tehee, President, Alex Wolf and T. F. Thompson, are now and were at the time the within named persons were admitted to Cherokee Citizenship, a duly authorized and Commissioned Commission on Citizenship, and that their actions as such are legal and binding.

Witness my hand the
Witness my hand and the seal of the Cherokee Nation, on the date above written.

John L. Adair,
Asst. Ex. Secretary.

United States of America,
Indian Territory,
Northern District,

I, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, do hereby certify that the above and foregoing two pages, consisting of this one and the preceding one which is attached hereto, is a true, complete, and perfect copy of the transcript of the judgment of the Commission on Citizenship as the same was presented to me during the examination of T. F. Thompson as a witness, and identified by me at the time by writing thereon "Exhibit A" to testimony of T. F. Thompson, L. T. M. - N. P. Oct. 4, 1900. The foregoing copy having been carefully compared by me with the said original.

Given under my hand and seal of office as such Notary Public, this 4th day of October, A. D. 1900.

(SEA)

(Signed) Lewis T. Martin.

Notary Public.

My commission expires Feb 3rd. 1902.,

D. W. C. Duncan being produced by the applicants after being sworn to testify to the truth, the whole truth and nothing but the truth testified as follows:

DIRECT EXAMINATION BY G. B. DENISON:

- Q Please state your name, age, residence and occupation?
A My name is D. W. C. Duncan, my age is 70 years, my residence is Vinita, Indian Territory, my occupation is a farmer.
Q How long has that been your place of residence? A Since 1874.
Q Are you a member of the Cherokee Nation as it is now constituted?
A Yes, sir.
Q Upon what is your citizenship based, a Cherokee by blood?
A Yes, a Cherokee by blood.
Q In January 1883, did you hold any official position in the Cherokee Nation, if so, what was it?
A About that time I held the position of Clerk of the Citizenship Court or Commission.
Q If you remember the names of the members of that Commission or Court, please give them?
A The President of the Commission was Tennes I believe, and a member by the name of Wolfe whose first name I do not recollect, and Mr. Thompson here.
Q T. F. Thompson?
A Yes.
Q Do you know whether those three members of that Commission were recognized citizens of the Cherokee Nation, and whether their citizenship was based upon blood or not?
A They were supposed to be citizens of the Cherokee Nation and their citizenship was based upon their blood.
Q Will you please look at the paper now handed you which the Notary has marked exhibit "A" to the deposition of Mr. T. F. Thompson, and a copy of which he will attach to Mr. Thompson's depositions, and state whether with the exception of the certificate of M. L. Bragdon, Clerk, and of John L. Asair Asst. Ex. Secretary, you recognize the paper as one you have ever seen before?
A Yes, I think I have seen this before.
Q When, and where, if you remember, did you first see that paper?
A This is a paper I drew up at the time I was acting as clerk of the said Citizenship Court.
Q Looking at its date, was it drawn at you at the time it bears date?
A To the best of my recollection it was drawn at the date specified.
Q Do you recognize the signature to the certificate attached to that paper?
A Yes, that is my signature.
Q State if you know, in whose handwriting the body of the paper is?
A It is in my handwriting.
Q And at that time you were Clerk of that Commission? A Yes.
Q Will you please look at the signatures of the members of the Commission as they appear on that paper, and state if you can, by whom they were written?
A I think the first two is my handwriting, the last I recognize that as T. F. Thompson's.
Q Explain please, how you came to write the signatures of Thomas Tennes and Alex Wolfe to that paper?
A Thomas Tennes and Alex Wolfe were full bloods and could not write, and in their presence, and at their request I wrote their signatures.

Q Was that the usual manner of certifying to the action of the Commission to applicants as to the decision of their application for citizenship, when admitted?

A In all instances there it was necessary for the Court to sign a paper of any kind it was adopted by that Court for the Clerk to sign Tehee's and Wolf's names and F. F. Thompson to sign his own name.

Q You didn't catch exactly my idea, but perhaps that answered it, what I intended to call your attention to, was whether when applicants had been admitted to citizenship a paper of this kind now shown you, signed by the judges as you have explained, and certified by you as a transcript of the proceedings was issued?

A My recollection is that a transcript of the judgment was issued to the applicant when they were admitted at their request, the judgment was entered upon the record when they were admitted and signed by the judges, and whenever the transcript was delivered to the applicants I think it was signed by the judges.

Q If you had any knowledge at the time the application of the Dawson family, F. M. and others whose names are mentioned in the paper, was pending before that Commission, or before or after, of any corruption or bribery, or attempted corruption or bribery of the Court or any of its officers, by F. M. Dawson, or any person connected in any manner with the claim of the Dawsons to citizenship in the Cherokee Nation, state it fully?

A I never heard a thing of the kind, I know nothing of the kind, all that I have ever heard about a question of that kind is what has originated recently, since the enrollment business has been inaugurated.

CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q If as you certify, this paper was a transcript of the record, why did you have the judges sign it?

A I know no reason further than that was the practice at that time, the members of the Court being present I presume it was thought it would be as good or better than the signature of the clerk.

Q Examine that signature of Mr. Thompson, examine the first T in his name and the T in Tehee's name and see if it is not all your own handwriting?

A No, I would not call that mine, there is a resemblance between the letters but I am satisfied it is a mere fortuity, accident.

Q How was the evidence taken in those cases?

A It was taken by the witness being present and detailing his knowledge of the case, I wrote it down sentence by sentence as it was delivered.

Q Do you know whether that evidence is in existence or not?

A I do not, the last I saw of it was when I turned the records over to the Executive office at Tahlequah, and I have not seen it since.

Q You say you never heard any talk about this being an improper case until very recently?

A Well, that would depend upon what you mean by recently, I don't think I ever heard of it prior to three years ago, I can safely say that did not.

Q Do you remember through what ancestor they claimed their right to citizenship here?

Objected to by applicants because the question tends to elicit testimony which is wholly incompetent and irrelevant, and because it is not proper cross-examination.

A They claimed their right of citizenship through a man by the name of Rogers, I don't recollect his first name.

Q Do you know how many Rogers families there are who have citizenship in the Cherokee Nation?

A I do.

(Signed) D. W. C. Duncan.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT,

I, LEWIS T. MARTIN, a Notary Public in and for the Northern District of the Indian Territory, do certify that the foregoing depositions of T. F. Thompson and D. W. C. Duncan were taken before me at the time and place and in the action mentioned in the caption, and said T. F. Thompson and D. W. C. Duncan, having been first by me sworn that the evidence they should give in this matter should be the truth, the whole truth and nothing but the truth, and that their statements were reduced to writing by me on the typewriter in their presence; the claimants being present in person and by their attorney G. B. Denison, and the Cherokee Nation being represented by W. T. Hutchings Esquire its attorney,.

Given under my hand this 4th day of October, A. D. 1900.

(SEAL)

(Signed) Lewis T. Martin.

Notary Public.

My commission expires 2/3/1902.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 8, 1902.

In the matter of the application of Francis Marion Dawson et al for enrollment as citizens of the Cherokee Nation. He being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Francis Marion Dawson.
Q How old are you? A Soon will be sixth years old.
Q What is your postoffice address? A Afton now, it used to be Osage.
Q What was the name of your wife? A My first wife was Julia Ann Howard.
Q She was a white woman? A Yes, sir.
Q When were you married to her? A I think it was the 8th of January, 1884.
Q Where were you living at that time? A In Arkansas.
Q Who married you? A A man by the name of Dave Sturdy.
Q Was he a preacher? A Yes, sir.
Q A Minister of the Gospel? A Yes, sir.
Q Did you and she live together as husband and wife up to the time of her death? A Yes, sir.
Q Did you have any children by her? A Yes, sir.
Q What are their names? A Willie R. Dawson.
Q The next one? A Francis Marion Dawson Jr.
Q The next one? A Johnnie.
Q The next child? A Elizabeth.
Q The next one? A Arizona Allred.
Q Those are all the children you had by your first wife? A Yes, sir.

Joseph R. Dawson, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Joseph R. Dawson.
Q How old are you? A I will be 51 the 13th day of June.
Q Are you related to the applicant here in this case, Francis M. Dawson? A Yes, sir.
Q How are you related to him? A Brother.
Q Did you know his former wife, Julia? A Yes, sir.
Q Is she living or dead? A She is dead.
Q Was she a Cherokee or white woman? A I couldn't say what; she they married in the states.
Q Do you know when he was married to her? A Yes, sir.
Q When was it? A About the close of the war.
Q Who married them? A Parson Sturdy.
Q Were you present when they were married? A Yes, sir.
Q Did they continue to live together as man and wife up until the time his wife Julia died? A Yes, sir.

John K. Stevens, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A John K. Stevens.
Q How old are you? A 56 years old.
Q What is your postoffice address? A Afton.
Q Are you acquainted with the applicant here in this case, Francis M. Dawson? A Yes, sir, as we call him, Bud Dawson.
Q How long have you known him? A My first acquaintance with him was in '61.
Q Did you know his first wife, Julia? A Yes, sir.

Q Do you know whether or not they were married? A Yes, sir, they were married.

Q Were you present at the marriage? A No, I wasn't present at the marriage.

Q Did you see them soon after their marriage? A Yes, sir.

Q Did you continue to know them for any length of time afterwards? I knowed them as long as she lived.

Q During the time you knew them did they live together as husband and wife? A Yes, sir.

Q Were they recognized in the community as such? A Everybody recognized them.

This testimony will be filed with and made a part of the record in the following Cherokee cases:

Arizona Allred et al D-835, John Dawson, D-580, William R. Dawson D-581, Lizzie Dawson D-584 and Francis M. Dawson Jr. D-588.

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I, the undersigned stenographer to the Commission to the Five Civilized Tribes, do hereby certify that I recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(signed) E. G. Rothenberger.

Supl.-C. D. #324.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, K. T., March 17, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
FRANCIS M. DAWSON, ET AL., as citizens of the Cherokee Nation:

The case having been set for final hearing March 17, 1902, the
following proceedings were had:

APPEARANCES:

Mr. A. S. McKennon, of counsel for applicants;
Mr. W. T. Hutchings, of counsel for Cherokee Nation.

Mr. Hutchings: Comes now the Nation on the calling of this case and announces that it is ready for trial, provided permission is given to hereafter examine before the Commission, either at this place or Fort Gibson, the witness S. H. Bengé, who has been regularly summoned to attend at this day and time but who is too sick to travel at this time and probably will be for some time to come. As evidence of a good faith of the Nation we hereby present an affidavit of the facts sought to be proven by the said Bengé. If the applicant's counsel are willing to concede that the witness if present would testify to the facts herein set forth, the Nation is ready to proceed to trial without reservation of any kind. If they are not it desires to reserve this privilege of hereafter, either tomorrow or otherwise, this case being set for to-day and tomorrow, of examining before the Commission, or its authorized officer, this witness as above set forth.

Mr. McKennon: Applicants object to the introduction of the paper presented and do not admit that the witness, Samuel H. Bengé if present would testify to the facts therein stated. They consent and desire that the testimony of said Bengé be taken before the Commission at its office in Muskogee but not elsewhere, and protest against it being taken at any other place, with the understanding, however, that when taken we have opportunity to introduce any evidence we may desire in rebuttal.

Mr. Hutchings:

The Nation will pay all the expenses of the opposing Counsel, their client and Commission officers in taking the deposition at Fort Gibson.

Commissioner Breckinridge: The allegations of this witness are material in their character and are quite tangent. The Commission of its own volition would acquire information of that character if it knew of its existence anywhere. While the functions of the Commission, as well known are in many respects judicial, yet it is bodied with somewhat complex powers, such as Congress creates from time to time to do business of certain character, and it is ordered to make a correct roll, which is a duty largely independent of hearing simply what is brought before them; it must be the architect and constructor of that roll and if evidence is not brought before the Commission it must go out and get it, to be uniform on that construction of the law. The Commission, therefore, desires this information independent of any counsel on either side both with respect to the applicant and to the Nation, and if this witness is

is not able to come one of the Commissioners will go to Port Gibson and to his bed-side, or send a proper official, if necessary to take his testimony. The only matter to consider, therefore, is one of convenience with respect to getting this testimony. Now, I understand that this witness is an extreme sufferer from Bright's Disease he is an old man and he may never be able to get out of the house, and it may be an injustice to him to subject him to a trip here, and therefore it seems to me better that counsel for plaintiff submit to a form of taking a deposition or else accompany an official of this Commission over to Port Gibson and let his testimony be taken there.

After consultation with the attorneys upon the two sides it is found to be agreeable that the parties start to Port Gibson to-morrow morning at half past eight o'clock, and it is agreed then and directed with an official of the Commission with a stenographer leave from the office of the Commission for Port Gibson at 2:30 to-morrow morning.

FRANCIS M. DAWSON, the applicant, re-called for additional cross-examination on part of the Cherokee Nation:

MR. HUTCHINGS:

- Q What is your name? A Francis M. Dawson.
 Q Where do you reside? A In Afton.
 Q You have been examined in this case heretofore, have you?
 A I don't know which case it is.
 Q In your own case? A Yes, sir.
 Q Are you the one that is commonly called Bud Dawson? A Yes, sir.
 Q You made the original application in the Dawson family for admission to citizenship in the Cherokee Nation, didn't you? No, sir; my brother.
 Q What was his name? A A. E. Dawson.
 Q You and Robert Dawson and Elbert Dawson and others applied September 24, '81, about that time? A Yes, sir.
 Q And you were admitted about the 11th of January '83? A Yes, sir.
 Q There were other members of your family that applied and were admitted after that time? A Yes, sir.
 Q Do you or not remember the evidence offered in theirs to substantiate their cases was the relationship between yourself and Robert and others and the evidence of your admission by the Territorial Court. In all the subsequent admissions I mean the only evidence offered was the fact that you and your brothers had been admitted before and that they were kin to you; that was the only evidence offered in any subsequent cases, wasn't it; so far as you know?
 A That is afterwards?
 Q Yes, afterwards? A I think there was some other evidence introduced.
 Q Don't you know that there was never any evidence offered in any other case except evidence of Dr. Baker of Arkansas? A Yes, sir.
 Q Who else? A Oliver Miller.
 Q Who was Oliver Miller; the records in this case have been somewhat destroyed and mutilated? A Oliver Miller, he lived in Arkansas.
 Q What was he, who was he? A He is no kin to me at all.
 Q Well, what station in life did he occupy; was he a farmer?
 A Yes, sir, farmer.
 Q Were you present when he testified? A Yes, sir.
 Q Were you present when Dr. Baker testified? A Yes, sir.

Q Have you a fair recollection of the testimony of those two men?

A No, not at all.

Q You don't read do you, Mr. Dawson? A No, sir, I don't read nor write; I can barely write my name.

Q Do you think you would remember the testimony of Mr. Baker if your mind was refreshed on it? A Part of it I think.

Q Were you present when you were admitted? A I was not in the room.

Q You were in Tahlequah at the time? A I was in the town of Tahlequah at the time.

Q I will read this paper to you and desire for you to say whether or not it was the testimony of Dr. Baker in your case:

(Affidavit of Dr. Arthur Baker read to witness, and asked to be copied in the record later.)

Q Is that the correct transcript of the testimony? A It has been so long ago, I could not say; a part of it is, I could not remember it all.

Q Does that state the facts as to the family history correctly so far as you know about it? A So far as I know.

Q Now, you were a son of what Dawson? A Robert Dawson.

Q How many children did Robert Dawson have, and give me their names?

A Elbert Dawson, the oldest; Lila, Jesper, Francis Marion-

Q That is yourself? A Yes, sir; Elizabeth Dawson, Josephine

Dawson, John Dawson, Joseph Dawson, Jane Dawson, James Dawson,

Edna Dawson, Mollie Dawson, Wilburn Dawson.

Q Thirteen? (No response.)

Q Now, Robert Dawson's father was whom? A Sam Dawson.

Q Who was Sam Dawson's wife, your grandmother? A I have been told.

Q By family history is all you know? A She was called Polly Dawson.

Q Who was Anna Pruitt? A I don't know.

Q Never heard of anybody in the family by the name of

Anna Pruitt? A No, sir, that was away back in the old country;

I have heard talk about it, old Dr. Baker talked about it.

Q Your grand-mother's name was Polly Dawson? A Yes, sir; I don't remember seeing her but once, she died when I was small, died in Texas.

Q Pollie Dawson? A Yes, sir.

Q And she was known to be Pollie Rogers, her maiden name? A Yes, sir.

Q Daughter of Captain John Rogers? A Yes, sir.

Q Now, she died in Texas what time? A I don't remember.

Q Can't you guess at it? A Oh, I could guess.

Q Give your best recollection? A About '58 or '59, or no, '46 or '49; I don't say positive, just guessing at it.

Q How old a boy were you then? A I was born in '42.

Q Have you any distinct recollection of her? A No, sir.

Q Have you any recollection of all the children of Sam and Pollie Dawson; that is, your father, uncles and Aunts? I didn't see all of them.

Q Do you know by family history the names of all of them? A Yes, sir.

Q Will you give them to me?

A Betsey Ann Dawson, I believe her name was.

Q Did she marry a Petty? A Yes, sir; the next is Robert Dawson.

Q Your father? A Yes, sir.

Q Next one? A I think the next was James Dawson, and I think the next one was a girl, Edna Dawson.

Q Did he have two daughters? A Yes, sir.

Q Well sir? A The next one was Joe Dawson; I never saw him; Riley Dawson.

- Q That is Samuel R. Dawson, Riley Dawson? A Yes, sir.
 Q Any other one? A That is all I know anything about.
 Q Did he have any child by the name of John? A Yes, Jack.
 Q Didn't you get Jack displaced with Joe? A No, it was Joe; I have heard my father speak of him.
 Q Then they have seven children? A I never see them all.
 Q How many of them did you ever meet? A I used Uncle Riley Dawson and James Dawson and Jack Dawson and Mary Ann Petty; I don't think I saw but one of Pa's sisters and brother, they went to Mississippi I think.
 Q Do you know that your family history says that the mother of your grandmother, Pollie Rogers' name was? A We have no history.
 Q Well, as it was brought down to you, did you ever hear anybody say what your great grandmother's name was? A No, I don't remember.
 Q What is that other man, Oliver Miller that testified in your case? A He testified in James Dawson's case; he never testified in my father's case.
 Q Well, didn't anybody testify in your case but Dr. Baker?
 A Yes, sir, several other witnesses.
 Q Who were they? A I don't remember; my mother got them witnesses around Tahlequah, old people.
 Q Were you present? A No, sir.
 Q You were only present when Dr. Baker testified? A Yes, sir.
 Q Now, do you find any mistake in Dr. Baker's statement there?
 A I could not say all of that was correct or not, part of it is correct.
 Q What part is correct? A Why about knowing the family over there.
 Q Who is Buck Dawson? A My brother.
 Q What is his name? A We always called him Buck, it is Elbert, E. Dawson.
 Q Who went with you the first time you went up to make application for citizenship do you remember? A With my brother.
 Q The first time? A I met my brother in Texas.
 Q Which one? A E. Dawson.
 Q That is Elbert or Buck? A Yes, sir.
 Q You were living in Arkansas? A Yes, sir.
 Q And he was living in Texas? A Yes, sir, and another one of little brothers, Dr. Dawson now.
 Q Dr. Dawson now? A Yes, sir.
 Q What is his name? A James.
 Q And you three went there? A Yes, sir.

Mr. McKennont: Applicants by their counsel object to all the statement of the witness relating to the testimony introduced before the Cherokee Citizenship Commission, and the history of the family as detailed by him, because the same is incompetent and irrelevant, and cannot be used for the purpose of impeaching the integrity of the judgment of said Commission, or either of the Commissioners in admitting members of the Dawson family.

Commission: The objection of the Attorney for the applicants to the testimony above will be noted. The same will be filed and noted for what it is worth.

(Attorney for applicants waives examination.)

C. H. TAYLOR, being duly sworn, testified as follows on part of the Cherokee Nation:
 MR. HUTCHINGS:

- Q State your name? A O. H. Taylor.
- Q Where do you reside, Mr. Taylor? A In near Coffeyville.
- Q Were you an attorney before various circuit courts along in '81 to '87 in the Cherokee Nation at Tahlequah? A Yes, sir.
- Q Were you attorney for E. H. Dawson, commonly known as Bud Dawson? A Yes, sir.
- Q Were you present at the taking of testimony in that case? A No, sir; I wasn't present.
- Q Do you know who was on the court that decided the case at that time? A Yes, sir.
- Q Who were they? A Tom Tones and Alex Wolfe and T. J. Thompson.
- Q Do you know whether or not they were all there when the case was decided? A No, sir, there were only two of them present.
- Q Which two? A Tones and Wolfe.
- Q Who was the clerk of the court at that time? A Mr. Duncan, D. W. C. Duncan.
- Q Do you know what witnesses were used in the case of Bud Dawson? A No, sir; now I was the attorney in the case and the evidence had already been filed before the court.
- Q When were you made attorney? A I was only called in as an attorney at the-- Well, Mr. Duncan came down there, and Mr. Bryant had the case and several other attorneys had the case and he employed me.
- Q Did you read the evidence in this case? A No, sir.
- Q Did you deliver any money? A Now, I was the attorney in the case and I don't think it would be right for me to make any statement.
- Q Now, you have pleaded your privilege, I ask that you answer the question? Did Dawson ever send you any money with the direction to pay it to either member of the court or the clerk of the court, D. W. C. Duncan, and if so state the amount? A I had a heap of trouble over this matter.
- Commissioner: Just answer the question, Mr. Taylor.
- A Being the attorney I don't believe it is right for me to answer that question.
- Commissioner: Do you refuse to answer? A Yes, sir.
- Q Did the matter to which you object to testifying occur prior to the rendition of the decision admitting to citizenship or afterwards? (No response)
- COMMISSIONER BRECKINRIDGE:
- Q Do you desire to reply to the last question? A I don't think it is right; I was attorney in the case.
- Q Mr. Taylor, do you object to answering that question? A Yes, sir.
- Q You refuse to answer that question, do you? A I had rather not answer it.

Q Either answer it or say you won't answer it? A I had rather not answer it.

Q Mr. Taylor, you have answered a number of questions down to this point, but it is at this point that you prefer to plead your privileges, as an attorney, do you? A Yes, sir.

Com'r Breckinridge: The power in regard to those matters is lodged in the United States. The Court is clothed with special power with reference to matters which arise through this Commission. Of course the Commission desires and the Government

needs for the making of a correct roll the fullest information possible, but it is subject to the limitations of law, and it is not for this Commission to decide of the law in a matter of this character with any authority as I understand it at this time, but to report the matter to the United States Court and let the Court pass judgment.

Under Section 21 of the Cirtis law as it is commonly called Act of June 231898, the members of the Commission shall in performing all duties required of them by law, have authority to administer oaths, examine witnesses and send for papers and persons, and the court is clothed with authority to enforce obedience. The law having enumerated certain powers goes on to say so far as all others are concerned to enable said Commission to make rolls as herein required, and to punish anyone who may in any manner or by any means obstruct said work. Now, the Commission will report the facts to the United States Court and let the Court decide whether or not you are within your lawful privilege. It seems that you refuse to answer questions, or at least one question, which tends to establish as to whether or not you are claiming what what is commonly considered a matter of privilege--according to an authority referred to by an attorney, but the enforcement of an answer seems clearly to be a matter for the Court to deal with.

Q Now, Mr. Taylor, in regard to the last question asked you by Mr. Hutchings, one of the Counsel for the Cherokee Nation, I direct that you make answer, and if you refuse I shall report the matter to the United States Court; do you refuse? A Yes, sir.

Q Now, you have read to you, Mr. Taylor, the first of the two questions propounded to you by Mr. Hutchings, and which you declined at the time to make answer; viz: as to whether Mr. Dawson sent you money to pay to the Court or to any officials of the Court, it seems to come to the question as to whether there was any collusion between you and Mr. Dawson and any member of the Court; now, I understand that you refuse to answer that question upon the grounds that you were Mr. Dawson's attorney? A Yes, sir.

Q Now, I require that you answer that question, do you refuse? A Yes, sir.

Q I shall also report that refusal to the United States Court as it seems to come under the provision of law, relating to conspiracy between you and Mr. Dawson which apparently considered a privilege matter, and you base your refusal now, not upon the ground that you are incriminating yourself, but that you were counsel for Mr. Dawson. I will report the matter to the Court and you will be informed at the time of any proceedings in the matter I caution you not to talk with Mr. Dawson or any of the applicants in this case.

Mr. McKennon: Applicants do not object and have not objected to the witness answering on account of his privilege as an attorney or for any other cause whatever, they only want to object to the incompetence and irrelevancy of the testimony, with the privilege of cross-examining upon any testimony given by the witness.

COM'R BRECKINRIDGE:

Q You still refuse having the consent of the attorneys in the case to make answer? A I will just ask your Honor to let the matter go over until morning.

Commissioner Breckinridge: It will rest until in the morning at its present status; it is after business hours now.

As for the objection made by Captain McKennon, Counsel for the applicant, it will be taken into consideration, but will not be granted at the present.

(The Commission adjourns until 1:30 P. M. to-morrow afternoon, March 13, 1903.)

Supl.-C. D. #324.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., March 18, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
FRANCIS M. DAWSON ET AL., as citizens of the Cherokee Nation:

Appearances:

Mr. A. S. McKennon, of Counsel for applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

SAMUEL H. BENGE, being duly sworn, testified as follows
on part of the Cherokee Nation:
MR. HUTCHINGS:

- Q State your name? A Samuel H. Benge.
Q Where do you reside? A Fort Gibson.
Q How old are you? A I am 70 years old, going in 71.
Q Are you a citizen of the Cherokee Nation? A Yes, sir; Cherokee by blood.
Q State what official position you have held in the Cherokee Nation and what your general connection with the Nation officially in the last 40 years? A Well, I had several: I have been Sheriff, Councilman, Senator, Delegate to Washington; had a hand in making the treaty of 1866, I am the only one living that signed that treaty; President of the National Council of different tribes of Indians.
Q Were you acquainted with F. M. Dawson, commonly called Bud Dawson? A Yes, sir; I know him.
Q State your connection with and what you know about his citizenship case before what is known as the Thomas Tehee Citizenship Court? A Mr. Dawson come down, I was living down below here, he come and employed me to tend to his case and we went to Tahlequah, I believe if I ain't mistaken in 1901 and filed his case there; we went several times and continued his case on for the want of evidence, and finally while we was up there we run across one old darkey by the name of Tosh Rogers; we got his testimony and after we got that testimony we concluded that it was sufficient to go into the trial with. Tosh lived here at Fort Gibson, he was a horse trainer down here and stayed here; he claimed that he knew the Rogers and belonged to one of them and after that we thought we had sufficient evidence we submitted our case to the Court for trial, and the Court went to work and rendered a decision against Mr. Dawson. I told Mr. Dawson right there that "our case is dough", just made that remark, and he just made the remark "never mind", and next morning they taken up his case again and they rendered a decision in his favor. I filed no other nor any evidence at all whatever; I give the case up right there and the decision was then given in his favor, and on our way back from Tahlequah, why we got to talking about the case and I told him: "it was a pretty hard blow when they rendered that decision against us." He said: "yes, but Duncan was the man to reach", but he reached him with five hundred dollars.
Q What position did Duncan occupy? A He was Clerk of the Court.
Q Duncan an educated man or? Yes, sir; he was an educated man.
Q Who were the members of the Court? A Tor Tehee, Alex Wolfe and Tom Thompson.
Q How many of these could speak English at all? A One.
Q Which one? A Thompson.
Q Who was the Attorney that represented the Nation in those cases?
A Why Sanders.

Q What was his given name? A Wilson Sanders; was it Wilson Sanders?
A Wilson Sanders.

Q Was he an educated man, or could speak English well? A No, sir.

Q Did Mr. Dawson say anything about the matters having cost him a good deal of money? A He said it had cost him a right smart.

Q Was any remark made on the way back about the opening up of the case, and if so, what? A He asked me if I thought the case was ever investigated eventually and I told him I didn't know.

MR. McKINNON:

Q Were you ever a witness in the Dawson case, Judge, in any of those investigations that have been made since that time? A I don't know that you might call it a witness; that young man came to me once at Tahlequah, and asked me to help him up there that the case was going against him, him and his mother and all was about knocked out and I interceded and done what I could there before the Committee. I was not a witness but that is what I don't for him.

Q That was Mr. Graham, wasn't it? A Yes, sir.

Q Have you had conversations with Mr. Graham since that time about it? A No, I might, I don't recollect, I might have had conversations with him.

Q Well, after the Dawes Commission began taking a census of the Cherokee and when they were about Sullivan down here, did you have a conversation with him here in Fort Gibson about the matter?

A No, I just can't tell you; I have seen him on several occasions, but the conversations we might have had I can't state.

Q To refresh your memory I will ask you if he did not tell you that they were making a fight on the Dawson family and he wanted to know of you whether that judgment in favor of Robert Dawson's family was fairly rendered, and did you not then tell him that it was all right, that it was fairly obtained? A Not as I recollect of; all he said that is as I have stated he talked to me in regard to his mother, himself and probably his brothers and sisters, I don't recollect how many there were, but he told me they were rejected, that is just the words he used.

Q Where? A It has been sometime ago.

Q Where in Fort Gibson? A Well, that is I saw him here in Fort Gibson, and then I saw him in Tahlequah.

Q Well, didn't he here in Fort Gibson ask you particularly about the Robert Dawson judgment, as to whether it was fairly obtained or not?

A No, sir; he was basing his claim on the Dawson case, that is the way he-

Q That is the principal Dawson family? A Yes.

Q When was this other written statement here made, when was this made by you? (referring to affidavit heretofore referred to.)

A Yesterday I reckon.

Q Who came to take this? A Mr. Starr.

Q Who else was present when this was taken? A No, sir.

Q How had you told about this matter, Judge? A No one as I know of.

Q Do you know how it was that they knew that you knew this?

A No, sir.

Q You never made any statement? A Never made any statement that I recollect of except I might have talked with Seales, he and him

talked about these cases a good many times; if I ever made a statement it was to Joe Ab Seales.

Q How did Mr. Starr know? A I could not tell you how Mr. Starr knew.

Q He came alone here as a Notary Public? A He came alone here as a Notary Public. All he said when he came, he says "we understand that you know something in regard to these cases", I said "what case." and he went to work and named Shoemaker case and Dawson case.

Q And thereupon you made this statement? A He said he wanted to qualify me.

Q Are you certain Judge that after the rendition of the judgment Mr. Dawson came back here to Fort Gibson with you?

A Yes, sir; we was together.

Q Let me ask you if it was not a very cold day when he came here and he went over ahead of you and you went over to Tahlequah the next day or two after he left? A My recollection was he and I went together.

Q And returned here together? A Yes, sir.

Q Did he not leave you there and go back direct to Arkansas?

A No, sir, we came here together. If my memory serves me right, I might be mistaken but then I don't believe I am, he came from Peabbers Falls up here to my house, that is according to his statement.

Q What amount of fee did they pay you? A I don't know as that is in connection with the case whatever the money they paid me.

Q How did they pay you? A Paid me the money.

Q Who paid it to you? A Dawson there and that fellow, young fellow paid me some.

Q Mr. Graham? A Yes.

Q At the same time? A Oh, no, he wanted me to intercede for him at Tahlequah and paid me to do something for him which I did.

Q I will ask you if Mr. F. M. Dawson here did not obtain two copies of the judgment one of which you sent in a letter in which you wrote to his brother living in Texas and that brother in Texas, the one they called Buck, didn't send you \$50 that they paid you? A No, if I ever got a letter of Buck whatever you might call him, I don't recollect it and if I ever got a nickel from him I don't recollect it. Old man paid me what money I got from it. I don't know nothing about his brothers; he told me he had an uncle living over in Arkansas, but not living down in Texas, I don't know about it.

Q Where did he pay you the money? A Paid it here at home.

Q Before you went out? A He paid me fifty dollars before we went up and when we went up yonder he paid me fifty dollars more; if you want to know what I got, I got one hundred dollars.

Q You were acting as his attorney in the case? A Yes, sir.

Q How many judges were there present when the judgment was rendered?

A In this case?

Q Yes, sir. A Well, according to my recollect there was all there, but if they were not all there, Tom Thompson was sick. Tabor and Wolfe.

Q Don't you remember that they were all present? A No, I think they were present though.

Q Who else was present at the time? A Oh, I could not tell you, there were several people in the house; could not tell you at all.

Q Were there several in the house the evening before the judgment was rendered against them as you say? A Yes, there were several in the house.

Q And several in the house when the judgment was rendered the next day? A I don't know how many there was.

Q Do you remember the names of any of them? A Why not exactly, mostly full bloods.

Q How long did you remain out at Tahlequah on that trip?

A I guess I was there about three days.

Q Tending to this case alone, or did you have other cases? A No, sir.

Q Do you know of your own knowledge that the judges received any money (this question asked at the instance of Mr. Graham present)

A I don't know whether the judges received any or not.

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I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rosson.

March 18, 1902. Commission convened pursuant to adjournment.

Appearances:

Mr. A. S. McKennon, of counsel for applicants.

Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. H. TAYLOR takes the stand and continues his testimony.
BY MR. HUTCHINGS:

Q Mr. Taylor, you said you would consider the matter yesterday and let us know whether you would answer those questions today; have you decided what you would do about the matter? A Well, it is like this, of course I don't want to be held as in contempt of the Court.

Q You would be held in contempt and the other Court would make you answer? A That being the case of course I would make a statement.

Q Are you acquainted with D. W. C. Duncan, the Clerk of what is known as the Tehee Citizenship Commission Court? A Yes, sir.

Q Did you ever have any conversation with him about letting him know of the different character of cases that would come up before the Court that you knew of, whether they were good ones or bad ones? A No, the only thing that ever came up in that respect; he asked me if whatever large cases that would come up before the Court to let him know.

Q Did you have any talk with him about the Dawson case during the progress of its trial or before and ever introduced Mr. F. M. Dawson to him, or carry him to him? A I spoke to him when Mr. Dawson came to Tahlequah to see about his case, and he said that he would take the papers over to his room, the Dawson papers.

Q Did you see him again that night? A Yes, sir; after supper I went down to his room.

Q Did he ask you about the Dawsons or Dawson case? A He asked me where Dawson was.

Q Which Dawson are you referring to now, F. M. Dawson, known as Bud Dawson? A Bud Dawson.

Q Well, what did you reply to him? A I told him that I thought he had gone to church.

Q Did you find Dawson after church? A Yes, sir, he told me to come and bring Dawson down and I did so; Dawson was in church.

Q You carried Dawson to him? A Yes, sir.

- Q Did you remain during the conversation? A Only a minute.
- Q What was said if anything while you were present? A Mr. Duncan spoke to Mr. Dawson and says "there is a hitch in your evidence."
- Q Go ahead and state what else he said? A He said "if that was straightened out it would be all right," and I turned and went away, I says, "gentlemen, I will go home."
- Q Did you know of their having any other conversation or communication after that? A No, sir.
- Q You left them there together yourself? A Yes, sir.
- Q Did Mr. Dawson give you any directions the next morning about submitting the case? A Yes, sir, he asked me to call it up the case.
- Q The next morning? A Yes, sir.
- Q Had there been any additional evidence offered? A No, sir; there was not additional testimony offered.
- Q He told you the next morning to call up the case? A Yes, sir.
- Q Was it called up and submitted the next morning? A Yes, sir.
- Q Now, how many of the members of the Court were there present that morning? A There were only two, two full-blood Indians.
- Q Could they speak english at all? A Teehe could talk a little, talk some.
- Q Did that Court have open sessions all the time of what is called executive sessions sometimes? A Well, I don't remember about that; it was generally when the case was submitted the attorneys would go out. The parties would go out and they would determine the case.
- Q Well, did they go out into that sort of executive session the next morning on the Dawson case? A Well, we went out when the case was submitted.
- Q And was the decision rendered that morning in their favor? A Yes, sir.
- Q Who notified you of the decision of the Court? A Why, Mr. Dawson.
- Q Do you remember whether he went out with you or was in there during the consideration of the case? A I think he went out with me.
- Q Did you at any time thereafter receive any money, checks or other evidence money from Mr. Dawson with direction to turn it in part over to D. W. C. Duncan, the Clerk of that Court? A Mr. Dawson gave me 20 dollars and said he would send the balance in a short time, and he would send some more money in a short time.
- Q Well, did he send any money afterwards? A Yes, sir, in the course of ten days or two weeks he send a hundred dollar check, draft.
- Q What did he direct you to do with it? A He directed me to give D. W. C. Duncan half of it.
- Q Did you give him half of it? A Yes, sir.
- Q Did he send you any at any other time after that? A Well, in the course of a couple of weeks he sent me a hundred dollars more.
- Q Did he direct you to turn any of that and if so how much, to D. W. C. Duncan? A He told me to give him half of it.
- Q Did you give him half of it? A I did, sir.
- Q Do you remember whether on Dr. Arthur Baker was the principal witness in behalf of the Dawson case? A No, sir, I don't because I never had any connection with the case, but I heard that he was a witness in the case.
- Q No argument was made when you submitted the case? A No, sir.
- Q Just submitted it on the testimony? A Yes, sir.
- MR. McKENNON:**
- Q Are you a citizen of the Cherokee Nation? A Yes, sir.
- Q Were you born and reared in the Cherokee Nation? A No, sir; I was born in the old Nation.

Q When did you come to the Cherokee Nation? A Come here in 1885.

Q How long have you been practicing law in the Cherokee Nation?

A I think since '88.

Q You have done a great deal of citizenship business haven't you?

A Yes, sir.

Q You were in the United States Court at Fort Smith on charges in regard to the citizenship business? A Yes, sir.

Q Were you convicted there? A Yes, sir; I was convicted there on this very case.

Q And served a term of what length? A I was sent to the jail hospital for sixty days and I stayed in about 38 or 39 days, and I was released.

Q When was that? A I don't remember how long ago it has been.

Q You say it was in regard to this case? A Yes, sir; this case was the bone of contention; Clem Rogers and the Chief, they are the ones that had me arrested, carried to Fort Smith.

Q Well, now, were you charged with an offense against the law in this case, or was it in regard to some other case? A Well, it was in regard to using the rail for fraudulent purposes.

Q Sending out propositions and obtaining cases for citizenship for people in the Cherokee Nation? A No, sir, it was for answering correspondence.

Q Not relating to this case at all? A Well, this was the main charge, Clem Rogers went before the Court there and stated that I had got in at least three hundred Dawsons, that they were white people and not entitled to citizenship and that was the main trouble.

Q Well, now, was the charge based upon that or was it based upon your letters you sent out to other people? A That was the charge for using the rail for fraudulent purposes.

Q The use of the mails for fraudulent purposes not in connection of this case was it? A Not particular of this case.

Q Then the trouble you had was the prejudice of Clem Rogers and others caused by your connection with the Dawson case; that is what you mean to say? A Yes, sir.

Q Why did you say because you were charged with an offense based upon this case? A Well, the prejudice grew out of this case.

Q Now, then, you had full conversation with the representatives of the Cherokee Nation as to your testimony in this case, did you not before you came on the stand? A Yes, sir.

Q You had told them of these particulars before you came on the witness stand did you not? A Yes, sir.

Q Yet when you came on the stand you assumed to have conscientious scruples as to answering as to matters which occurred between you and your client, Bud Dawson, in relation to this matter and declined to answer claiming your privilege as an attorney did you not? A Yes, sir; I didn't want to make a statement at all in the matter.

Q You had voluntarily made a statement to the representatives of the Cherokee Nation? A Yes, sir; I had stated to Mr. Hastings; he summoned me and I come down here and I didn't want to make a statement to him but he insisted.

Q He had no power to compel you to make a statement? A No, sir.

Q You could then make it very freely and your conscience did not hurt you, but when you came on the stand you were very conscientious about it? A I didn't want to make a statement at all unless I would be put in jail here if I didn't.

Q But you had armed them with information by which they could ask you these questions when you came on the stand? A I had told Mr. Hastings.

Q You knew when you gave him that information that you would be brought on the stand as a witness, did you not, by reason of that?
A No, I didn't know that I would be compelled to make a statement in the matter, a sworn statement.

Q You thought you would not be compelled to answer?

A I didn't think the law would compel me to make a statement.

Q Why then did you make a statement to him about it? A Oh, he was asking me about it, and I told him that I didn't want to make a statement, and I didn't for quite a while after I came down here.

Q When the enrollment division of the Dawes Commission was in Tahlequah, in the winter of 1900, did you not there meet F. M. Dawson and did you not then and there say to him "I told Shoemaker I would be for him if he would employ me in his case and if he didn't I would be against him, and the same to you?" A No, sir; I said to him this: I says that if there is not something done that I will likely be summoned against you and Mr. Shoemaker both.

Q What did you mean by that? A Well, I just meant this, I just left the matter with him to say what he wanted to do in the matter; I only spoke a word or two about it. I was going out of town just as he came in.

Q When you told him if something was not done you would be summoned as a witness against him; what did you mean by that? A Well, I just meant that the chances were that the Nation would summon me against him.

Q What did you mean by the expression "if there was not something done" that you would be summoned as a witness?

A Well, I meant this, if I was re-employed in the matter if he was to have a case and I was re-employed I would not be required.

Q You could be required to make a statement as to declarations made to you by your client to you in one instance, but if a little more money was put up you could not be required to make a statement; is that what you mean? A I didn't think I could be forced to make a statement at all in the matter.

Q Why did you make that expression to him "if something wasn't done you might be summoned as a witness" if you believed you could not be made to make a statement? A I meant if I was employed in the case.

Q If he would put up you would not testify? A That they could not force me to testify.

Q About the month of February, 1901, in the town of Wagoner, Indian Territory, did you not send your son to get Graham to come to the hotel at night, and did you not then and there say to Gid Graham; "you people are on the doubtful list and if you will give me \$500. I will make it all right and see that you are enrolled and if you don't I will see that you don't get on"? A No, sir; I got a letter from Gid Graham in which he asked me to certify that the case was all right and after I met him I told him that I could not do it, that the case was crooked, he then said to me, he says, "I will give you a hundred dollars", he says "will you take a hundred dollars," I said "no, sir." I didn't make any bid, that is I didn't set no price with him.

Q You did not say to him then what I have embraced in that question there? A No, sir.

Q You did have a conversation with him about that time and at that place, did you not? A Yes, sir.

Q You say you didn't make any bid or set any price? A No, sir; he offered me a hundred dollars.

Q Why did you send for him to come to the hotel? A In answer to his letter.

A Did you not yesterday morning on the street in Muskogee, Indian Territory, in a conversation with W. H. Shoemaker say to him: "You have made a great mistake in not keeping in your employment and so have the Dawsons and it will go hard with you and you will see it"? No, sir; I says to Mr. Shoemaker, I says: "who have you employed in your case," and he says "Judge Thorne and Mr. Owen." I said "It might have been a advantage to you if you had retained me in your matter;" Well, he says "there was nothing wrong in my case" and I says "no, there is nothing wrong on earth in your case that I know of." He said all he wanted was justice and I said "I don't know a thing on earth against you," and I says "there is not a thing on earth wrong in your case as I know it came up fairly and squarely and decided in your favor."

Q You said nothing to him about the Dawson case? A Yes, I said to him "it might have been well if the Dawsons had retained me in their case." I said "I am surroned on the part of the Nation and I don't want to make a statement and I wont if I can possible avoid it."

Q Was that befoe or after you talked with Mr. Hastings, the representative of the Nation? A It was afterwards.

Q You meant by that if you had refused to answer you would have gone to jail? A No, sir; if they had employed me before hand I meant not now.

Q You mean that if they had employed you before hand you would not have given this information to Mr. Hastings? A I would not be required, being the attorney.

Q Were you required to give him the information; did you know that you had to give him any information? A Who do you mean.

Q Mr. Hastings. A I did refuse him and he insisted.

Q Well, he no authority to compel you to do it? A No, sir; I don't know whether he did or not.

Q As a lawyer you knew that he did not have authority to compel you to make a statement to him? A I told him that I was an attorney in the case and I didn't want to make any statement at all.

Q Why did you do it? A Well, he intimated to me it would go any further. He said to me "I will not make this matter — I will not use it;" that is, what I stated to him was part in confidence.

Q And he pledged you his word that it would not be used? A Well, told him I could make a statement in confidence, and that I didn't want to make a statement before the Court.

Q Well, what did he reply, as you said just now? A Oh, he says make the statement and then I told him—I regretted very much to do it, and I regret very much to make a statement here. I tried to avoid it yesterday.

Q You stated just now that he said it would not be used; did he say that or not? A Well, something to that amount; oh, he says it wont make any difference or something to that effect.

Q Now, don't you know that Mr. Hastings did not intimate to you that the statement he was asking you to make would not be used?

A Well, I didn't think that I could be forced to make a qualified statement before the Court here, because I thought my license would protect me in that matter.

Q Yet it did not protect you or prevent you from making a statement to the attorneys for the Nation? A No, sir.

Q Now, in this conversation with Shoemaker to which I before referred did you not ask him to again employ you and tell him if he would you would make it all right for him? A No, sir; I didn't say that; no, I said if he had employed me in the matter "maybe it would have been better for you." Now, he offered me when I was down here last week, he offered me five dollars to go down and talk with his lawyers on the matter, I didn't go I was busy.

Q That was not your price? A No, no, I had nothing to say in his case that would be to his advantage; I knew nothing against him.

Q Now, then, you say that you were present on the morning that the judgment was rendered in favor of the Dawson? A I was not in the Court house.

Q You were present in Tahlequah? A Yes, sir.

Q How long had you been at Tahlequah? A I was living there at that time.

Q When were you first employed by them? A By Dawsons?

Q Yes, sir. A The evening before the case was tried.

Q You say that after the judgment was rendered Dawson handed you \$20? A Yes, sir.

Q And told you to hand to Duncan? A No, sir.

Q What was your statement? A That he paid me \$20 and says "I will send you some more in a short time, week or so."

Q And then he sent you \$100? A Yes, sir.

Q And wrote you to give D. W. C. Duncan \$50 of it? A Yes, sir.

Q And then sent you another \$100 and told you to give him half of it? A Yes, sir.

Q How much did they pay you? A Well, that was the agreement, was that he would pay me \$50 a family.

Q How much did he pay you? A I think there was \$250; now I am not sure about the \$50, but it appears to me like there was a \$50 sent, and Mr. Duncan asked me, as well as I remember, says "have you got a letter from Dawson," I told him "yes, sir." It was either that or the \$100, and he says "I would like to have some money", and I went to Starler's and got it changed-- I won't be sure about it being \$50 or \$100--I went to Starler's and got him to cash the check and give him his part of it.

Q How much did they pay you for your services? A That is all I got.

Q How much? A I think it was \$100, \$120.

Q What did you do for them? A Didn't do a thing only called up the case and submitted it; never read the evidence.

Q Submitted it without remarks? A Yes, sir.

Q And for that you say they paid you \$120? A Yes, sir; \$120.

Q Was Houston Bengie present when that was done? A No, sir; I don't think he was.

Q Did you see him then at that time in Tahlequah? A I don't remember.

Q Were you associated with him in any manner in connection with the case? A No, sir.

Q You had a great deal of business of that character, have you before the Courts? A Yes, sir.

Q Were you paid like fees in other cases for like services?

A Yes, sir.

Q In many of them? A Yes, sir, good many.

Q All like cases? A Oh, citizenship cases.

Q When was it you were in jail at Fort Smith? A I don't remember; Mr. Bellette can remember, he was there, he was my attorney.

Q Was it about 1883? A It was somewhere along there, along in 1890 somewhere.

Q That has been your principal business as a lawyer, has it not?

A Yes, sir.

Q You have never practiced much in any other way have you? A Very little.

Q Were you in the habit of working your cases through in the same manner in which you state you worked this through? A No, sir.

Q This was an exception was it? A I never worked this case through. I simply called the case up by request of Mr. Dawson. I read the evidence; don't know what proof there was in it; he just asked me to call the case up.

Q And he agreed to pay you \$50 a family for doing that? A Yes, sir.

Q Was that what you required of him? A That is what he agreed to pay. I says "what will you give?" He says "I will give you \$50 a family."

MR. HUTCHINGS:

Q At the same time that the attorney for the Nation was talking to you about the Dawson case he also made inquiries about the Shoemaker case didn't he? A Yes, sir.

Q And you told him at that time before you knew anything about whether you would be made or compelled to testify that so far as you knew there was nothing you knew detrimental to the Shoemaker case?

A Yes, sir; that is what I said.

Q You told him at the same time that you not only expected to claim your privilege as an attorney in the case, but that you told him, Mr. Hastings, with the full belief that the Court would sustain your position? A Yes, sir.

Mr. McKennon: That is very leading.

Q Now, did you think that the re-employment, being the attorney in the pending case would strengthen your position or weaken it, when you spoke to Mr. Dawson? A What I thought in the matter was before ever I would be summoned in the matter, a long time ago, that if I had been employed in the matter of course my position would have been such that I would not have been required or could not have been forced.

Q Did you think under those circumstances that Mr. Hastings would approach you about the subject? A No, sir; I don't think I would be forced to, having license to practice law.

Q Did Mr. Hastings tell you at the time that he was going to put you on the stand? A Yes, sir.

Q And let the Court decide? A Yes, sir.

MR. MCKENNON:

Q Now, have you a license to practice in the United States Courts?

A Yes, sir.

Q In the Territory? A Yes, sir.

Q And also in the Indian Courts? A Yes, sir; do you want to see them?

JAMES W. LEWIS, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name please? A J. W. Lewis.

Q James W. Lewis? A Yes, sir.

Q Where is your postoffice, Mr. Lewis? A Afton.

Q How old are you? A 75 years old.

Q What is your business? A I work at the tin business and gun work.

Q Do you know one James Dawson, the brother of F. M. Dawson and the other Dawsons? A I know old man James Dawson.

Q That is the one I mean, old man James Dawson? A Yes, sir; I know him.

Q How long have you known him? A Well, some four or five years.

I guess.

Q How long? A Four or five years I think.

Q When did you come to the country? A I have been in the country 70 odd years.

Q Well, when did he come to the country, do you know? A Along about somewhere in eighty if I recollect right, might have been later than that.

Q How did you happen to be acquainted with? A He lived right close by me and I built a house for him.

Q Did you have any conversation with him at the time you built that house? A Yes, several different times.

Q About how he became a citizen of the Cherokee Nation, about the circumstances? A Yes, sir.

Q Did he make any statement to you about the use of money in getting his citizenship, and if so, state what he said?

A Well, he told me that it cost him \$700 to get his rights.

Q Didn't tell you to whom he paid it? A No, he didn't and I didn't ask any questions.

MR. McKENNON:

Q How old was he at that time, do you know? A I do not know exactly, must have been somewhere near about 70 years old, he might have been older than that, I don't know.

Q He was a very old and feeble man? A Yes, he was old and feeble.

Q He seldom ever got out away from his house? A No, sir, only short distance.

Q When you first knew him he was that kind of man? A Yes, sir.

J. L. CLINKENBEARD, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A J. L. Clinkenbeard.

Q What is your post office address? A Vinita.

Q How old are you? A 56.

Q Were you ever an applicant for citizenship before the Teehe citizenship Court in Tahlequah? A Yes, sir.

Q About what time was that? A September '81, I think.

Q Did you meet there about that time, one Elbert or Buck Dawson?

A Yes, sir.

Q How did you happen to meet him? A He and I stopped at the same place, man's by the name of Sharbow.

Q You and he stopped there, did you, board there? A Yes, sir.

Q Well, did you have any talk about citizenship cases, yours and his? A

A Yes, sir.

Q Where did he state that he was from? A Texas.

Q Well, state what you can remember of the conversation between you from time to time about citizenship in the Cherokee Nation?

A Well, we were there on the same business and we talked about it at different times, and in talking about the evidence we had there I, of course, told him how many witness I had and what I could prove and so on, and he said that he didn't have but one witness, Mr. Baker from Arkansas, a man that was 65 or 70 years old, he said, and he hadn't come and said he was to have let him there, but he hadn't come.

Q Well, what did he say about the doctor's knowing anything?

A Well, he said he was 65 or 70 years old and didn't know straight up.

Q Well, did he say anything about giving him whisky?

A Well, he said he could give him four drinks of Arkansas whickey and he would swear that black was white.

Q Did he say anything about what money would do in Texas or Indian Territory? A Well, in talking about the evidence, he said that money was what made the stars go down in Texas and he said "I come to get the law of the land" and he says "I found out it goes here," or words to that effect.

Q Did he say what he had to spend on the question? A Well, he said that he could stand a thousand dollars on it and not be hurt very much; finally he said he could stand more than that.

Q What did he tell you what he thought about the necessity of witnesses anyhow? A Well, I don't know as he said as to that, but I understood from what he said that he thought money would beat witnesses.

Q Well, where did he go from there? A He and I left there together; he came to Muskogee by way of Port Gibson and there we parted.

Q Did you ever see him after that? A I saw him about two years or something like that afterwards.

Q Where? A Vinita.

Q Did you refer to the citizenship matter? A I asked him how he come out and he said all right.

Q Was he deformed in any way this man? A He had a crippled hand or stiff finger; I don't remember just what it was now.

I. R. McKENNON:

Q Your first conversation with him was in '81 was it? A Yes, sir.

Q What time in '81? A September.

Q You were then an applicant for citizenship? A Yes, sir.

Q Were you admitted? A No, sir.

Q You are still an applicant? A No, sir.

Q You are still working to get in as a citizen of the Cherokee Nation? A No, sir; haven't quit it entirely.

Q What business are you in now? A I am running a dairy in Vinita.

Q When did you make these statements now to the representative of the Cherokee Nation? A Well, sir, I haven't; I saw Mr. Hastings I believe here last Saturday the first time.

Q How did they ever know that you had had these conversations with Mr. Dawson? A I don't know.

Q You don't know how they found that out? A No, sir.

Q You say you saw Mr. Hastings here last Saturday? A Yes, sir.

Q Now, did you approach him or did he approach you? A He approached me.

Q You know why? A No, sir; I suppose somebody I have told something at some time about this, I don't know when or who. I don't remember of having talked to anyone about it. I have saw Mr. Hastings for years.

Q Now, you say--how was that expression about his giving Dr. Baker three or four drinks of liquor? A He said the old man; he said that Dr. Baker, he was expecting him there and he didn't come, and he said he didn't care where he did or not; he said he was 85 or 90 years old; he said he didn't know straight up; said he could give him three or four drinks of Arkansas whiskey and he would not know black or white.

Q Now, he said that did he? A Yes, sir.

Q You are just as positive of that as you are of any other statement he made are you? A Yes, sir.

Q You say you next saw Dawson at Vinita? A Yes, sir.

Q How long afterwards was that? A About two years, I think something near that.

Q Did he move to the Territory? A Yes, sir; he lived at Vinita at one time.

Q You speak about having a dairy business there at Vinita, to what extent? A I am only milking about four cows now, I sent the others to the country.

Q Do you run a dairy wagon there? A No, sir.

Q You serve on the jury a good deal? A I have been serving on the Petit jury there this winter.

Q Generally? No, sir.

Q Are you a kind of a professional juror? A No, sir; I was on the regular petit jury, I was on the regular panel and served.

C. G. BRAUGHT, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A C. G. Braught.

Q What is your age? A 63 29th day of last January.

Q What is your post office? A Fairland.

Q How long have you been living in the neighborhood of Fairland?

A Been living there 19 years.

Q Do you know one Bud Dawson or F. H. Dawson as his name is?

A I do.

Q How long have you known him? A About 13 years.

Q How close do you live from him? A Half a mile of him.

Q Does he still own that place? A I think he does.

Q Were you an applicant for citizenship along about '81 or '2 at Tahlequah? A Yes, sir.

Q Did you have at any time a conversation with Bud Dawson about his and your citizenship cases? A Yes, sir.

Q State what he stated to you of citizenship cases in general and about his own in particular, you can state the time that you had these conversations as near as you can? A Well, I think it was in '83, he told me if I ever got in I would have to put up; he said it cost him \$700 to get in; he said he paid one witness three hundred dollars.

Q Did he state the name of that witness? A No, he did not.

Q Where did he say he made arrangements with? A He said he made arrangements with the Court; that is, heads of families to get them in at one hundred dollars apiece.

Q Do you know what time of the year that was, whether it was in the summer or not? A I think it was in June.

Q Did he make any other statements to you at any other time?

A No, sir, I don't think he has in regards to that matter.

Q You have been living neighbors with him? A Yes, sir.

MR. ECKENHON:

Q You say this was about June of '83? A I think it was in June, 1883, I won't be positive whether it was June or not.

Q You were an applicant; were you admitted? A No, sir.

Q Have you been admitted? A No, sir.

Q You are still an applicant? A Yes, sir.

Q Still trying to get in? A Yes, sir.

Q Where was this conversation had? A Had at Bud Dawson's house.

Q What part of the premises? that is, in his residence?

A Yes, sir.

Q In the house? A Yes, sir.

Q Who was present? A There wasn't anybody present; he just built the house and there wasn't anybody there.

Q Was there more than one room? A I won't be positive but I don't think there was but one room, log house.

Q Just one room? A Yes, sir.

Q And in that room he made this statement to you? A Yes, sir.
Q He and you are enemies are you not? A No, I don't think we are enemies.
Q You are not friendly at all? A Friendly part of the time, and part of the time we ain't.
Q Haven't you had considerable trouble about the lands between your farms? A No, sir; we ain't had any trouble.
Q Didn't you have his little boy arrested recently for a difficulty?
A Yes, sir.
Q And you say that you are not on bad terms with him?
A Why we speak, have conversation, have right right along all the time.
Q Is it not a fact now that you and he have been all the while at odds? A No, sir.
Q You don't have any unkind feeling towards him? A No, sir.
Q What were your other remarks? A I said no, sir, I didn't have any unkind feeling towards him.

(It being 5 o'clock, the Commission adjourns until 8:30 o'clock to-morrow morning.)

March 19, 1902.

Commission convened pursuant to adjournment.

Appearances:

Mr. A. S. McKennon, of Counsel for Applicants.

Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. G. BRAUGH, re-called, further testified:

MR. MCKENNON:

Q Mr. Braught, you were a claimant under the Watts family are you not? A Yes, sir.
(witness excused.)

CHARLES D. KENNEY, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A Charles D. Kenney.
Q What is your post office? A Dawson now.
Q Are you a citizen of the Cherokee Nation? A Yes, sir; supposed to be.
Q Recognized as such are you? A Yes, sir.
Q How old are you? A There is no family record, my parents died when I was young, I just guess at my age, I am somewhere between 44 and 45 years old.
Q Were you personally acquainted with one Elbert or Buck Dawson?
A I knew Buck Dawson when I saw him.
Q Did you know him in the State of Texas, if so state what time?
A I knew Buck Dawson, knew him and saw him at different dates in Texas.
Q Well, in the year '81 in Clay County, Texas, did you ever see him?
A It was in '81 or '82, I think I knew him in both years.
Q Did you ever have any conversation with him in the presence of Bill Smith, Jiles Flippin and Joe Pleston about his application for citizenship in the Cherokee Nation? A Mr. Dawson and Flippin were talking in regard to grasping down there before me one time and

it was mentioned, I was going up on the strip and Buck Dawson says "he an Indian" and Jiles said "yes, he is an Indian", and "By God," I believe is the way he spoke, "if I was an Indian I would not be punching cattle, I would have stock eating my grass."

Q What did he say about making application? A He said he was going to the Chickasaw Nation and prove up and get him some grass.

Q Who was that? A Buck Dawson.

Q Well, did anybody suggest about his going to the Cherokee Nation?

A Yes, sir, I told him, I says "why don't you go to the Cherokee Nation, why don't you go up home" I believe is the way I spoke it, "up amongst God's people;" and he says "are they all white like you?" and Jiles spoke up and says "majority of them."

Q Well, what did he say to Jiles then? A He says "let's go up Jiles", just in a whole crowd of cow punchers, and Mr. Plipin says "Hell, I am going; brother John is getting ready to go now."

Q Well, then what did he say to you? A He says "Who are your best lawyers up there, Kenney," and I told him "Hookey Bell was counted the brainiest man in our country."

Q Well, do you know whether he claimed to have any Indian blood or what he was claiming in that country, whether white man or Indian?

A No, sir, I could not say what he was; he was generally known down there as Buck Dawson, a citizen of the State of Texas, that is all I know of him.

Mr. McKennon: The applicants object to all of the testimony of this witness because it is wholly incompetent and irrelevant.

Mr. McKennon:

Q Were you born and reared in the Cherokee Nation? A I can't tell you where I was born; I was raised here part of the time and in Ross County, Texas. B. W. Alberty was my guardian.

Q Were you admitted to citizenship by the Council or Court? A I think both of them passed on me; I can't tell you the date.

Q About what time? A It was sometime in '80 though.

Q What tribunal first? A I don't know; I don't know either when I was admitted, I was re-instated at Council.

Q When? A I think it was in '87 or '88.

Q Haven't you been arrested for crime and charged with crime?

A Well, I didn't know that I was on trial; I have been arrested a hundred times I guess from here to the Rio Grande.

Q For what offense? A For gambling, stealing; if I am on trial I have had lots of them, I have been on the road.

MR. HASTINGS, of Counsel for Cherokee Nation:

Q Were you ever convicted? A No, sir.

Mr. McKennon: Applicant makes further objection to the testimony of this witness on account of his criminal character stated by him.

THOMAS B. BABEART, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name, please? A Thomas B. Babeart.

Q What is your post office? A Melvin.

Q What is your age? A 49.

Q Are you a Cherokee by blood? A Yes, sir.

Q Did you know one James Dawson? A Well, yes; I did; I have seen him time or two.

Q Were you in Tahlequah about the time he had an application before the Spears or Snake Puppy Citizenship Court? A Yes, sir; I was there about the time the case was settled.

Q Did you know Aaron Butler? A Yes, sir.

Q Who was he? A He was a Cherokee Interpreter for the Court.

Q Do you know James Smith? A Yes, sir.

Q Who was he? A He was the Nation's attorney before the Court.

Q Well, did you about that time have a conversation with either Aaron Butler or Jim Smith in company with Mr. James Dawson? A Yes.

Q State the full particulars of it? A About that time this man Dawson and Butler come to me while they were all together, all three of them, and Butler come and called me off to one side, that was down at a colored church, it was after dark, and they called me off there and this man Dawson borrowed some money from me, he said he had to have it that night, his case was going to be submitted the next morning.

Q Well, did he say anything about whether he could get his case submitted if he had some money? A Well, from the language to me and Butler, he wanted this money; Smith had agreed to submit the case without further evidence in the matter.

Q Well, did you let him have the ten dollars? A Yes, sir.

Q Where did they go then? A They walked off up towards town.

Q Did they go together, those three? A Yes, sir.

MR. McKENNON:

Q Was that James Dawson, the leading applicant in that case?

A Yes, best of my recollection that was.

Q How old a man was he? A I don't know; I could not tell you; he looked, I don't know, he might have been—could not tell you just about how old he was.

Q Well, about how old was he, 25, 30 or 40? A Yes, he was older than that, from my judgment I guess he must have been 45 or 50 years old.

Q Is he living or dead? A I don't know.

Q Where have you been living? A I have been living down here near Tahlequah.

Q What was the man's name, Dawson's name? A Jim Dawson I think.

Q You are certain of that? A Yes, sir; I am pretty certain.

Q They came to you with Smith, the Prosecuting Attorney, and Butler, the Interpreter? A Yes, sir.

Q Dawson took you off to one side? A Butler took me to where Dawson was and introduced me to Dawson and vouched for Dawson being all right for the money.

Q When did you first make a statement of this matter to anybody?

A I guess—I don't remember when.

Q How long have you been in Muskogee this time?

A I have been here since, I was summoned here last Friday.

Q Did you ever make any statement to anybody about this before that time? A Yes, I talked to Butler about it.

Q When? A Oh, about, first I remember it has been about two years ago, and Butler was talking to me about it; it was at my house.

Q Were you born a citizen? A Yes, sir.

Q You weren't admitted to citizenship by the Courts or Council?

A No, sir.

Q You have been living in the Cherokee Nation all your life?

A Well, I was born and raised here; ; I haven't been here all the time; I have been out and in.

Q You have never seen that man Dawson since? A If I have I have never known it, but I seen him the next day.

Q You saw him and took a good look at him, and know about what kind of man he was? I saw him around there about several times.

Q You think he was about 35 or 40 years old? A That would be my guess at it, my recollection.

Mr. McKennon: Applicants object to the testimony of this witness, all of it, because it is wholly incompetent and irrelevant.

DELIA A. BREWER, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your full name? A My husband's name was O. P. Brewer, but generally I sign my name Mrs. D. A. Brewer.

Q What was your full maiden name? A Delia A. Vann; well it was really Delilah but I never was called by that name, it was De altogether in my young days.

Q What was your father's name? A His name was Joseph Vann.

Q Was he called by any nicknames and if so how many, and what?

A None but the Cherokees, the full-bloods called him Joe Aney.

Q What does that name mean when you talk English? A Rich Joe.

Q Did any of them call him Big Joe Vann? A I don't know; he was a large man; larger than the other Joe Vann.

Q There was another Joe Vann? A Yes, sir.

Q Did your father have any sisters and brothers? A He had quite a number of sisters.

Q Did he have a half sister? A Had two half brothers.

Q Did he have a half sister? A Had several half sisters.

Q Who did they marry? A Different persons; I knew the names of all of them but I have a bad memory, but I know that there was one, a Mrs. Ibbie Wolfe, and Mrs. Lamer, she was first a Mrs. Nicholson and she became a Mrs. Lamer and lived in Alabama and never come to this country, but she has grandchildren in this country.

Q Well, did any of your father's sisters or half sisters ever marry a Rogers? A No, sir.

Q Never had any Rogers kin-folks? A No, sir, I certainly would have heard of them through my family, there was a great many of the kin-folks I never saw, but I heard of them.

Q The Dawson case was talked of here for many years, they claiming kin?

A I never knew until I understood they claimed to be kin to the Vanns, and I flatter myself that my family was prominent enough that they never claimed kin.

Q They never claimed kin at all? A No, sir.

Q Did your father ever had a sister or half sister by the name of Annie, Anna or Alsey? A No, sir.

Mr. McKennon: Applicants object to all the testimony of this witness because it is incompetent and irrelevant.

SAMUEL TOLLIVER DAWSON, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A Samuel Tolliver Dawson.

Q What relation are you to the Dawsons? A Well, I am not acquainted with none of these Dawsons, I guess I am cousin, that is what he told me.

Q Who was your father? A Samuel Riley Dawson.

Q What did you say your father's name was? A Mile Dawson.

Q Do you know what his full name was? A Samuel Riley Dawson.

Q What children had your father? A Why, he has got, you mean his first children or his whole family?

Q I want all of his children? A I don't know, I will have to count a while on them, there was nine or ten of them.

Q Just one or two of them I care for; is Mrs. Lewis your sister?

A Yes, sir.

Q Your full sister? A Yes, sir.

Q Was she a daughter of S. R. Dawson, Jr.? A Yes, sir.

Q How who were the parents of your father, , Samuel Dawson?

A Why Sam Dawson was his father.

Q Sam Dawson was his father? A Yes, sir.

Q What was Sam Dawson's wife, if you know their family history, what your father said or what your grandfather said? A I have heard that she was a Pruitt, my father said; of course I don't know.

Q What was her given name? A Annie.

Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.

Q Saw him? A Yes, sir.

Q Do you know about how old he was when he died? A He was somewhere up about 90.

Q About how old were you when your grandfather died? A I don't remember exactly how old I was, I must have been somewhere near 12 years old when my grandfather died.

Q Was your father his youngest child? A Yes, sir.

Q Do you know about when your father was born? A Well, no, I don't, he died in '90 and he was 67 years old.

Q He died in about '90 and was about 67 years old when he died?

A Yes, sir.

Q And he was the youngest child? A Yes, sir.

Q Now, do you know how many children your grandfather had, that is brothers and sisters of your father? A I heard him say seven.

Q Well, did you ever hear your father or grandfather speak of whether or not your grandmother was a white woman or an Indian?

A Well, I heard my father speak about it, I don't know that I ever heard my grandfather say anything about it.

Q Well, what did he say about it? A I have heard him say his mother was not an Indian.

Q Did you father come here and apply once for citizenship?

A Yes, sir.

Q Was he admitted? A I think not.

Q Did you hear him make any statements about the ground he expected to get in? A He said his brothers had proved their rights here and if his brothers had any rights he did, but I don't know.

Q Well, in that connection did he say whether his mother was an Indian or white woman? A Never heard him say that his mother was a white woman in speaking about that, I don't know whether he said anything about that or not; I have heard him say his mother wasn't no Indian.

Mr. McKemmon: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

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(Taking of testimony continued by Stenographer M. D. Green)

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

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(Continued from testimony taken by Steno. J. O. Rosson.)

March 19th, 1902, at Muskogee, I. T.

Appearances:

Mr. A. S. McKennon and Mr. Mellotte, attorneys for the applicants.

Mr. V. T. Hutchings, and Mr. W. W. Hastings, attorneys for the Cherokee Nation.

EMMA BRASHIERS, being first duly sworn, and being examined testified as follows:

BY MR. HUTCHINGS:

- Q State your name? A Emma Brashiers.
- Q What was your maiden name? A Emma Dawson.
- Q What was your father's name? A Samuel Wiley Dawson.
- Q What was his father's name? A Samuel.
- Q What was your grandfather's name? So far as you know from family history? A Her maiden name was Annie Pruett.
- Q Then your father, if I understand you, was the son of Samuel Dawson and Annie Dawson, nee Pruett? A Yes, sir.
- Q Did your father have a brother named Robert, and a brother named James? A Yes, sir; that is what I was told.
- Q And had a sister named Mrs. Petty? A Yes, sir.
- Q And another one named Mrs. McGee? A Yes, sir.
- Q And another brother named John? A Yes, sir.
- Q What relation are you to Mrs. A. S. Lewis? A Sister.
- Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.
- Q You have a distinct recollection of him? A I, yes, I can remember him, but I was small.
- Q About how old were you you suppose when your grandfather died?
- A About 6.
- Q Was your father's birth recorded in the family Bible? A Yes, sir.
- Q You know whether your grandfather's record of marriages and deaths were recorded in any Bible or not? A I was, but we haven't it.
- Q What became of it? A Got burned.
- Q Well, about what year do you remember that your father, Samuel Dawson was born? A I believe it was '23.
- Q In 1823? A Yes, sir.
- Q And how old was he when he died, if you recollect? A He was between 64 and '7.
- Q Did you ever hear your father speak of his relations, his father and mother, as to whether they were white people or Indians?
- A Yes, sir, they were white people.

Q. You know whether in the family you grandmother was spoken of by the name of Annie, always? A. Yes, sir.

BY MR. MCKENNON: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

ALEX S. LEWIS, being first duly sworn and being examined, testified as follows:

BY MR. HUTCHINGS:

Q. State your name? A. Alex S. Lewis.

Q. What is your post-office? A. Dawson, Indian Territory.

Q. How old are? A. 59 years.

Q. What was your wife's maiden name? A. Elizabeth Paralee Dawson.

Q. Who was your wife's father and mother? A. Her father was Samuel R. Dawson and her mother was the wife of Samuel R. Dawson, did you want her maiden name?

Q. Well, if you know the maiden name of your wife's mother, state how you know it? A. Well she was called Margaret, Margaret Queen was her maiden name.

Q. The maiden name now of your wife's father's mother? A. Why the maiden name of my wife's father's mother?

Q. Yes, sir? A. From what her husband and my father-in-law told me it was Annie Pruett.

Q. What was the name of your wife's father's father? A. My wife's grandfather on her father's side, Samuel Dawson.

Q. And his wife's maiden name was Annie Pruett? A. Yes, sir.

Q. Did you know the old gentleman, Samuel Dawson, your wife's grandfather? A. Yes, sir.

Q. Personally? A. Yes, sir.

Q. What opportunities had you to get acquainted with him? A. He lived with his youngest son, my father-in-law, and visited me, my wife and I, after we were married, stayed with us quite a while; I lived near my father-in-law and he visited very often.

Q. When did he die? A. '74.

Q. Have you any particular method of recalling that date? A. Well, I was away from the house when he was taken sick, and they sent for my wife and myself, and so when I got home my wife had gone to her father's to see her grandfather, he was sick, and I remember my first wife was a baby at that time.

Q. And when was your first child born? A. He was born December, '73.

Q. You know how old your wife's father was when he died? A. Why he was up in 60, but I don't remember his age.

Q. Did the old original Samuel Dawson ever tell you his age? A. Yes, sir, several times.

Q. How old was he at the time of his death? A. He was passed 94.

Q. Did he ever tell you whether or not his wife Annie Pruett had any sister or brother? A. Told me she only had one brother named Bob Pruett.

Q. Have any of the members of the family named their children after him? A. Make it a little plain, it is a little long; my wife's oldest brother was a particular favorite of his grandfather, and he always took this boy with him everywhere, and he had named one of his, - oldest child for this brother-in-law who was a particular favorite of his grandfather; named it for him I understood.

Q. Now, what is his name? A. Of course I don't know if he named it, but he gave him the name of Robert Pruett, and I understood it was on account of his grandfather thinking so much of Robert Pruett.

Q. Did you ever hear the old Samuel Dawson speak of his brother-in-law? A. Yes, sir; I have heard him say that he wished he knew what had become of Bob Pruett, he never had heard of him for a long

time; didn't know where he was, or whether he was alive or not.

Q Now, I want the children of Samuel Dawson and Annie Pruett; how many of them did you know, first? A How many did I know personally?

Q Yes, sir? A John James, and Samuel R. Those were the only ones of his children that I remember personally.

Q Well, remember what you know of the family, what other children did he have? A Well he had two girls, as I understand the family history, he had two girls, first, and John Dawson was the third child, and the oldest boy was John Dawson.

Q Was John Dawson the oldest boy? A Yes, sir.

Q Which was the oldest girl? What is she known by now? A I think it was Mrs. Petty, nee Bettie Dawson.

Q And John Dawson was the oldest boy? A Yes, sir.

Q And Samuel R. Dawson was the youngest boy? A Yes, sir.

Q You know anything about the time John Dawson was born, have you any way of coming at it, the oldest boy? A Yes, sir, I know what the oldest son and his life told is.

Q What was that? A They said he was born in 1811.

Q Who was his oldest son? A Toliver H. Dawson; told me his father was born in 1811.

Q Do you remember now whether the old man had occasion to say whether his wife, Annie Pruett was an Indian or white woman, or ever said anything about it? A I know what the old man said that she was, I don't know that I ever heard the question approached in that way, I have heard him speak as to her blood, but it was in a different way that he reached it.

Q What blood did he say she was? A Well he said that she was the daughter of Mrs. Pruett, a white woman; and that her father was Captain John Rogers, a white man who lived with the Cherokee Indians, and traded with them.

Q Did he say whether Captain John Rogers afterwards married? A Said he had a wife in the Cherokee Nation.

Q But that Annie Pruett was not her child? A No, sir, she was the child of Mrs. Pruett.

Q A white woman? A Yes, sir, that was the half sister of Bob Pruett.

BY MR. McKENNON:

Applicants object to all of the testimony of this witness, because it is wholly incompetent and irrelevant.

Q Did ever you apply for citizenship here? A Yes, sir; for my wife.

Q When? A My father-in-law made the application, I don't know exactly when it was, I think probably about '86, I couldn't say

as to the date.

Q Before the Cherokee authorities? A Yes, sir.

Q Did he file an application before the Dawes Commission in 1896 also? A Him.

Q Yes, sir? A I don't think he did, no sir.

Q Did you? A I did.

Q On account of your wife? A Yes, sir.

Q Did you take affidavit to that application? A No, sir.

Q Who did? A I don't know, don't remember now.

Q You applied for your wife as an Indian by blood did you not?

A Yes, sir.

Q Are you still an applicant? A No, sir.

Q Is she? A No, sir.

Q She was denied was she? A Yes, sir.

Q Was there an appeal taken from that? A Application was filed if I remember, before the Dawes Commission, and they rejected the case, and then I appealed it to the District Court, and it was rejected there and then I stopped.

Q Have you ever been arrested for any crime? A Yes, sir.
 Q What? A Charge of murder.
 Q Anything else? A No, sir.
 Q Committed on the train? A Yes, sir.
 Q In a train robbery? A Yes, sir, in a train robbery.
 Q How long did you remain in jail? A Appealed the case to the Supreme Court, and it was reversed and sent back, and I was acquitted on that charge.
 Q That all the crime you were ever charged with? A Yes, sir.
 Q Haven't you been having some trouble with the Dawson family?
 A Well me personally I have no trouble with any of them, there is one of my boys and one of W. A. Dawson's sons-in-law had some trouble.
 Q You are not friendly with the Dawson family? A That son-in-law Mr. Wooley, anyhow, don't speak, and I don't think his wife speaks to me either.
 Q Well you are claiming some sort of lease on the Wooley farm, aren't you? A No, sir, I don't claim any lease on the Wooley farm.

B. W. ALBERTY, being first duly sworn, and being examined, testified as follows:

BY MR. HUTCHINGS:

Q State your name? A B. W. Alberty.
 Q What is your post-office? A Tahlequah.
 Q What is your present official position in the Cherokee Nation?
 A Assistant Executive Secretary of the Cherokee Nation.
 Q As such have you charge of the citizenship records and books etc. of the Nation? A Yes, sir.
 Q Have you made search recently for the original records in the various cases of the Dawson family before citizenship courts in Council? A Yes, sir.
 Q Have you got what records you found with you? A I find what's supposed to be the original papers in the case, all that I could find. (Produces papers and hands to Nation's attorney.)
 Q Where did you find these papers? A I found them in the desk in which papers of that character are filed away in the Executive Office at Tahlequah. (Applicant's attorneys examine papers produced by witness.)

BY MR. HUTCHINGS: The Nation here introduces in evidence an envelope marked No. 108, the names on the back of it are Robert, Elbert, Jasper, John, Frances, Marion, Josephine, Joseph, Jane, Mollie, Wilburn, James, Rial Dawson; versus the Cherokee Nation; the envelope and its contents.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced by the Cherokee Nation is indorsed as follows:

"No. 108, Rob. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Francis Marion, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilburn Dawson, James Dawson, Rial Dawson, vs Cherokee Nation, Petition for Citizenship, filed Sept. 24, 1881. Admitted Jan 11th, 1883, D. W. O. Duncan, Clerk."
 In pencil: "Robt Dawson."

The said envelope contains a document as follows:

"Office of Commission on Citizenship,
 Cherokee Nation, Tahlequah, January 19th, 1883.

No. 103 Robert Dawson, "et al."

vs.
Cherokee Nation.

Testimony for claimants.

Witness:

Dr. Baker sworn testified as follows. My name is Arthur Baker I reside at Berryville Arkansas, Carroll County, my age is 73 years, I am not a Cherokee. I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carroll County some thirty five years (line drawn through the last three words.) 35 years at my mother's house near Calhoun I became acquainted with the claimants Robt Dawson's grandfather on mother's side, who was frequently at my father's house; though she Anna Pruet lived in the Nation side. She claimed to be a half sister to Big Joe Vann, also claimed to be half Cherokee; the first time she brought the claimant's mother to my mother's house she the claimant's mother was about grown, when I was a lit. 10 boy she called her daughter Polly Rogers said Capt. John Rogers who ran a boat up the river was the father of the child; I saw the girl frequently there at my mother's and there at Louis Rogers Store I saw her occasionally until I was 15 or 16 years old and I think then old Capt John Rogers took her off to school. I saw her no more from the time old Capt. John Rogers took her off till I saw her here in Arkansas the wife of old Samuel Dawson. I stayed all night there and we and I had a talk over our old matters, and I asked her when she became acquainted with Dawson and she said at the time she was going to school. And she said after she left school that Dawson followed her home to the Nation and they were there married. I have told that precisely in the words mentioned.

Capt John Rogers claimed to be one fourth Cherokee, the claimant is the son of Polly Rogers and I knew Polly Rogers to be the daughter of Anna Pruet, and I know the claimant to be the son of Polly Dawson Capt Rogers then resided in the Cherokee Country about twelve miles from Calhoun on the Hiwassee River.

Anna Pruet resided in the Cherokee Nation as long as I stayed there the Dawsons when I got acquainted with them Arkansas were recognized where they were as Cherokees, Robt Dawson's children is Buck, John, Marion, and two girls; the children named in the petition I recognize as being the claimants.

Question by Solicitor:

Ques. 1 How many children did Polly Rogers have?

Ans. 1 Five, I think that's all.

Ques. 2 Did you say something about someone being married twice?

Ans. 2 The claimant was married twice.

Ques. 3 Could Anna Pruet speak Cherokee?

Ans. 3 Yes she could speak it well

Ques. 4 Did Polly Rogers speak Cherokee?

Ans. 4 She could when she was young.

Ques. 5 How far do you live from Anna Pruet?

Ans. 5 Just across the river about 3/4 of a mile.

Ques. 6 Was Calhoun in the Cherokee Nation?

Ans. 6 It was on both sides of the river, part in the Nation and part out in the State.

Ques. 7 Which Karnage was it went to Texas?

Ans. 7 George went first then John went they were the sons of old man Karnage that lived up here near the line.

Ques. 8 Did the claimant go to Texas?

Ans. 8 No the claimant didn't go to Texas.

Ques. 9 What connection was claimant and Polly Rogers?

Ans. 9 The claimant is the son of Polly Rogers Marion here is the grandson of Polly Rogers.

Ques. 10 Where does claimant now live?

Ans. 10 He lives in Carroll County, Arkansas.

Ques. 11 Do you know what relation old Captain John Rogers was to Charlotte Rogers here in Cooweescoowee?

Ans. 11 They claimed kin but what kin I don't know there were two Capt. John Rogers' in the Nation I am speaking of the time when I first came to this 1830 Country about the year 1830.

Ques. 12 Was Anna Pruet the maiden name of claimant's grandmother

Ans. 12 Yes that was her maiden name the Indians called her Sinee.

(signed) Arthur. A. x Baker.
mark

Witness' hand paralyzed is the reason he signs by a mark thus "x". "

The above document is indorsed on back as follows:

"Certified copy of Affidavit, Arthur A. Baker in Dawson case, Robt," Decided by the Texas Court in 1883. A. Riley Dawson's step daughter a white woman married a white man, named August Bulaska."

BY MR. HUTCHINGS: We further introduce envelope H. 181, of E. Dawson for his grand-children, versus the Cherokee Nation, and its contents, to-wit: The Petition and affidavit of F. M. Dawson, and the testimony of Joseph Dawson.
(Hands papers referred to to applicant's attorneys.)

BY MR. MCKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced is endorsed as follows:

"No. 181. E. Dawson vs the Cherokee Nation. For his grand children. Petition for citizenship. Filed Sept. 14th, 1883, D. W. C. Duncan, Clerk of Com. Decided Sept. 13, to be Cherokees.

The contents of said envelope are as follows:

"Office of Commission on Citizenship.

Tahlequah, Cherokee Nation, Sept. 14, 1883.

E. Dawson,

No. 181. vs for his grand children,-

Lulu Dauthett,

Dallas Dauthett,

F. M. Dawson for claimant introduced sworn and in open Court testified as follows:

My name is F. M. Dawson. Am Cherokee by blood reside in the Cherokee Nation am 30 (40 written over it) years old.

I saw the claimants, Lulu Dauthett and Dallas Dauthett in Vinita, and knew them to be the grandchildren of my brother E. Dawson who is a recognized Cherokee by blood. L. H. Dauthett, the father of the claimants, Lulu and Dallas is a white man Dauthett's wife the mother of Lulu and Dallas was a Cherokee, the daughter of my brother E. Dawson, she is now dead. The oldest of these applicants is about 9 years old. I have known them about 8 years. These children is now living with their father. One is a girl and the other is a boy. I had been acquainted with her mother all her life. If she had been now living she would have been about 25 years old - She has been dead about 4 years as well as I can recollect. She was about 17 years old when she was married.

his
(signed) E. H. Dawson, *

mark

Office of Commission on Citizenship,
Tahlequah, Cherokee Nation, Sept. 14, 1933.
No. 181 E. Dawson
for his grand children
Lulu Dauthett
Dallas Dauthett

Joseph Dawson introduced for claimants, sworn in open Court testified as follows:

Joe. Dawson, an Cherokee live in the Cherokee Nation, am 31 years old.

Lulu Dauthett and Dallas Dauthett, the claimants are Cherokees. Fannie Dawson was their mother. Fannie Dawson was a Cherokee, that is what I was always told. Her father was E. Dawson. E. Dawson was my brother. Mrs. Dauthett is not living now; the last time I saw Lulu and Dallas Dauthett, they were in Texas. But I have heard since that they are in the Cherokee Nation. E. Dawson recognizes them as his grandchildren and I have known them ever since they were born. My Solicitor:

Lulu is about 10 years old. The Dallas is about 5 or 6 years old. I heard that their father is now at Vinita Cherokee Nation. E. Dawson is Elbert Dawson. The applicants' mother has been dead about three or four years. She died at Hillboro, Texas.

I was not present when their mother and E. Dawson had eight children to the best of my recollection, or 9. Fannie, Francis, Cartenas, Zanie, Bob, Smith, Wersh, Bert, Ella. All living but two, Fannie and Smith. They are all living in Texas when I left there. I am a brother to F. H. Dawson, we are full brothers. My father has been admitted to Cherokee Citizenship by this Court.

his
(signed) Joseph x Dawson, *

mark

To the Commission on Citizenship,
Tahlequah, C. N., Sept. 12, 1933.
E. Dawson for grandchildren,
Lulu Dauthett,
Dallas Dauthett,
vs
Cherokee Nation.

Now comes E. Dawson petitioner for the Cherokee rights of his grandchildren, Lulu Dauthett & Dallas Dauthett, by virtue of their Cherokee blood, which was derived from the *

Dawson family, who is acknowledged Cherokees by admission of your Hon. Court, at its last session in January, 1883, in view of the facts ask your Hon for a speedy and favorable consideration of our claims.

(Signed) S. Dawson for grand children,
By C. H. Taylor."

This last document is indorsed on back as follows:
"No. 181, Petition of Lula, Bantlett & Dallas Bouthitt, for Citizenship Filed Sept 14, 1883, D. W. C. Duncan, Clerk."

BY MR. HUTCHINGS: Now we desire to introduce the judgment in the case of S. R. Dawson, and others, of the Commission on Citizenship, found on page 30, of Record Book B, of the Citizenship cases in the Cherokee Nation, said book having been turned over to and now in the custody of the Commission; the judgment being dated April 26th, 1889.

BY MR. MCKENNON: To the introduction of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

Record above introduced is as follows:

"Office of Commission on Citizenship,
Tahlequah, C. H. August 11th, 1887.

Docket No.	Names,	Age	Sex	Post Office,	Attorney
	1 S. R. Dawson,	66		Catoosa,	
	2 Parlee Dawson,	44	female		
307	3 America J. Dawson,	35	"		
	4 Katharine J. Dawson,	33	"		
	5 J. G. Dawson,	31	male		
	6 Elias F. Dawson,	29	"	Bell &	
	7 Toliver Dawson,	27	"	Applicant for) Bryant.	
	8 Ella Dawson,	20	female	Cherokee Nation.	
	9 Fanny Dawson,	18	"		
	10 John Riley Dawson,	11	male	R.	
	11 Robert E. Dawson,	9	"		
	12 Claud Dawson,	7		Ancestor	
	12 Cleveland Dawson,	3		John Rogers	
	-- filed August 11th, 1887."				

In red ink written along Age column is the following: "Rejected April 26, 1889."

"Now this day comes the above case for final hearing, Samuel R. Dawson, bases his application for readmission to citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson a white man, Polly Rogers the alleged daughter of Captain John Rogers and Chelsey Pruitt, said to be a half sister of Joseph Vann, commonly known as Rich and who were of Cherokee blood. It is admitted that John Rogers and Chelsey Pruitt died before the roll upon which their names would appear if living at the time and specified in the 7th section of the Act of December 31st, 1886, creating the Commission on Citizenship, were made but in support of the application it is urged that certain members of the Dawson family and full brothers of the applicant were re-admitted to citizenship by the Commission on Citizenship commonly known as

"The Teehee Court", and the "Snears Court", and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the considerations which determined the decision of those Commissions of the testimony now introduced to authorize the admission of the present applicant is not relivent to the issue now pending. The 7th section of the Act of December 8th, 1888, before named provides, that "The Commission shall give a hearing to any person applying for citizenship in the Cherokee Nation upon the ground of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of Cherokees taken by the United States," As are hereafter enumerated. Neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon either of said rolls the Commission adjudge and decree that Samuel R. Dawson and family are not entitled to re-admission to citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the cases of Andrew J. Dawson, James K. P. Dawson, Jounnah Barber nee Jounnah Dawson and Jane Queen, nee Jane Dawson, and their families, as enumerated in their respective applications.

(signed) Will P. Ross,
Chairman.

This April 26th, 1889.

(signed) D. L. Williams,
Cl'k Com'n."

(signed) R. Bunch, Commissioner,
John E. Gunter, Com'nr.

PY MR. HUTCHINGS: The Nation now introduces the envelope in the case of James K. P. Dawson, and the contents, being the original testimony in the case of E. Dawson; also the judgment in said case, found on page 116, in book C., containing the records of the Citizenship Commission of the Cherokee Nation, the date of said Judgment being April 26th, 1889; this book being also in the custody of this Commission.

PY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope above introduced is indorsed on back as follows:

"Name, James K. P. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, - - - Age, - - Years, - - Roll of 1835, Ancestor, Riley Dawson, filed the 5 day of Oct. 1837, Docket 989, Book C Page 116, Testimony on Journal - - Page - - - Decision of Commission Rejected 26 day of April 1889 Rejected."

The contents of said envelope are as follows:

"A. J. Dawson, et al.,) Office Com. On Citizenship,
(vs) (Tablequah, I. T. Sept. 27th, 1888.
Cherokee Nation.)

E. Dawson, who being duly sworn, upon his oath, deposes and says as follows, to wit:

I am a citizen of the Cherokee Nation and reside in Coowaseedowne Dist. and am 53 years old. I am acquainted with the applicant, Andrew J. Dawson, he claims to be a relation of mine. I have known him personally about three (3) years. He said his father was Joe Dawson. I know the party, the applicant, from circumstances, and have no doubt but that he is a relation of mine.

Joe Dawson, the father of the applicant was my father's brother. Joe Dawson was considered to be a Cherokee, I think he died on the Hiwassee river in Tenn. I think he had four (4) children. I never saw any of them but Andrew J. Dawson, and Jim Dawson.

-Cross Ex.-

Joe Dawson has been dead about 35 years he lived west of the Mississippi River, I understand. My father had four brothers. I don't know how long Joe Dawson had been living in Tenn. before he died. All that I know of the applicant being the son of my Uncle Joe Dawson, is from what he himself has told me. - My grandfather, Sam Dawson was a white man. The applicant could be of the Dawson name and not be related to me - My grandfather being a Dawson and a white man.

Attest

Connell Rogers,
Clk. Com. on Citizenship.

This document is indorsed on back as follows:

"Testimony of E. Dawson in case A. J. Dawson."

The judgment above introduced, and found on page 116 of Book C of the Dockets of Cherokee Citizenship Commission, is as follows:

"James K. P. Dawson,
OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind. Ter., Oct. 5, 1887.

Docket	No.	Names	Age	Sex	Post Office	Attorney
	1	James K. P. Dawson,	-	Male		
	2	William A. Dawson,				
	3	Richard A. Dawson,				

989

C. H. Taylor.

vs.

Applicant for
Cherokee Citizenship,
Census Rolls 1835
Ancestor,
Riley Dawson.

Cherokee Nation.

In red ink along age column are the words: "Rejected April 26, 1889."

"Adverse to Claimant.

See decision in this case in tract of E. R. Dawson in Book (B) Page 20.
This April 26, 1889.

D. S. Williams,
Clk Com.

Will P. Ross,
Chairman.
J. E. Ginter, Secy."

BY MR. HUTCHINGS:

The Nation desires to introduce the original envelope and its contents in the case 196, of Rebecca Dawson, being the application and judgment in the case, also the judgment as copied into the record, Book 6, on page 144, the date of said judgment being August 28th, 1889.

BY MR. MCKENNON: To all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope just introduced is indorsed on the back as follows:

"196, 1, Name Rebecca Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address Emmet, I. T. Age 48 years, 1835, to 1882, Poll of 18-- Ancestor Maton, Filed the 5 day of Oct. 1887, Docket 1017 Book 6 Page 144, Testimony on Journal- Page -- Decision of Commission, Rejected 28 day of August 1889. Submitted by Mr. Rasmus, Aug. 28, 1889." R"

The contents of said envelope are as follows:

"APPLICATION FOR CITIZENSHIP.

To the Honorable Commission on Citizenship:
Gentlemen:- The undersigned, your petitioner, this day makes this her application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution, and with an act of the National Council approved December 8th, 1886, creating your Commission, And respectfully makes the following statement of the grounds for this, her application, to-wit:

That Rebecca Dawson is the Grand Daughter of one Moton, who the undersigned firmly believes was enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the years 1835, -48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds for this application for Cherokee citizenship by blood, and respectfully awaits the time when Application shall be truly heard and tried in accordance with the aforesaid law.

Age, 48 years; Postoffice, Emmet, Ohio. Na. family with their relationship attached is as follows:

No	Name	Sex	Age	Relationship.
----	------	-----	-----	---------------

In witness o which application I hereto set my hand on this the 4- day of October 1887.

(signed) Rebecca Dawson,

Doudinot & Rasmus,
Attorneys."

"COMMISSION ON CITIZENSHIP.

Cherokee Nation, Ind, Ter.

Tahlequah, August 28th, 1889.

Rebecca Dawson)

v. S.

Cherokee Nation.) The above case was called and submitted by

Rasmus without evidence the Commission decide that Rebecca Dawson, Age 48 yrs is not a Cherokee by blood & are not entitled to citizenship in the Cherokee Nation. Post Office Emmet Texas -- I. T.

(signed) WILL P. ROSS,
Chairman,
J. E. Gunter, Com."

The judgment found in Book C, Records of Commission on Citizenship, Cherokee Nation, Page 144, is as follows:

"Rebecca Dawson,
OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind. Ter., Oct. 5th, 1887.

Docket	No	Names	Age Sex	Post Office Attorney.
	1	Rebecca Dawson	48 female	Emmett, I. T.

1017

Boudinot & R.
Applicant for
Cherokee Citizenship.

Census Rolls, 1835,
to 1852.

Ancestor,
Moton.

V. S.
Cherokee Nation.

Office Commission Citizenship,
Cherokee Nation, Ind. Ter.,
Tahlequah, Aug. 28th, 1889.

The above case was called and submitted by Attorney Rasmus without evidence. The Commission decide that Rebecca Dawson, aged 48 years is not a Cherokee by blood and not entitled to Citizenship in the Cherokee Nation.

Attest:

E. G. Ross,
Clerk Commission.

Will P. Ross,
Chairman.
J. E. Gunter, Com."

BY MR. HUTCHINGS: The Nat on next introduces the original envelope and contents in the case 193, of Mary Dawson, the contents being the application for citizenship, and the judgment as written up by the Court; also the judgment of the Court as copied in Book C, page 145,-- said judgment being rendered August 28th, 1889.

BY MR. MCKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced is indorsed on back as follows:

"193, 2, Name, Mary Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Bowie, Texas, Aged 54, years, 1835 to 1852 Roll of 18- Ancestor, Moton, Filed the -- day of 9 18-- Docket 1018, Book C Page 145, Testimony on Journal-- Page-- Decision of Commission Rejected 28th day of August 1889. Submitted by Mr. Rasmus, Aug. 28, 1889."

"APPLICATION FOR CITIZENSHIP".

TO THE HONORABLE COMMISSION ON CITIZENSHIP:

Gentlemen:- The undersigned, your petitioner, this day makes this her Application for re-admission to citizenship in the Cherokee Nation in accordance with the Constitution, and with an Act of the National Council, approved December 6th, 1836, creating your Commission. And respectfully makes the following statement of the grounds of this her application, to-wit:

That Mary Dawson is the Grand Daughter of one Noton who the undersigned firmly believes was duly enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the years 1835,-48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds of this her application for Cherokee Citizenship by blood, and respectfully awaits the time when her Application shall be truly heard and tried in accordance with the aforesaid law.

Age, 54, years; Postoffice, Bowie; Texas, family with their relationship attached is as follows:

No.	Name	Sex	Age	Relationship.
1	Walter Dawson	M	13	Son.

In witness of which application I herunto set my hand on this 2nd 4 day of October 1887.

Mary Dawson,

Boudinot & Rogers,
Attorneys."

COMMISSION CITIZENSHIP,

Cherokee Nation, Ind. Ter.,

Tallequah, August 20th, 1889.

Mary Dawson,

vs

The Cherokee Nation

) Application for Cherokee
) citizenship.

The above named case having been submitted by W. F. Rogers, Attorney for Plaintiff, without evidence, the Commission decide that Mary Dawson age 54 yrs, and her son Walter Dawson, age 13 yrs, are not of Cherokee blood, P. O. Bowie, Texas.

Will P. Rogers,
Chairman,
J. E. Genter, Com."

Said envelope also contains the following:

APPLICATION FOR CITIZENSHIP

TO THE HONORABLE COMMISSION ON CITIZENSHIP: Gentlemen:- The undersigned, your petitioner, this day makes this his application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution and with an act of the National Council, approved December 6th, 1836, creating your Commission. And, respectfully makes the following statement of the grounds of this his application, to-wit: That James K. P. Dawson is the son of one Wiley Dawson who the undersigned firmly believes was duly enrolled upon the - - - Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the year 1836, the undersigned hereby presents the above facts as the lawful grounds for this his application for Cherokee Citizenship by blood, and respectfully awaits the time when his application shall be duly heard and tried

In accordance with the aforesaid law,
Age -- years; Post-office --; Family with their relation-
ship attached is as follows:

Names,	Sex	Age	Relationship.
William A. Dawson	Male		Son.
Richard A. Dawson,	"	"	"

In witness of which attestation I hereto set my hand on this
the 4th day of Oct 1887.

(signed) James K. P. Dawson,
C. H. Taylor, Attorney."

The judgment as recorded in Book C, page 145, of the
records of the Cherokee Commission on Citizenship, is as
follows:

"Mary Dawson,

Office of Commission Citizenship.

Tahlequah, Ind. Ter., Oct. 5th, 1887.

Docket No.	Names	Age	Sex	Post Office	Attorney
1	Mary Dawson,	54	Female	Bowie, Texas.	
2	Walter Dawson,	13	Male		

Boudinot & P.
Applicant for
Cherokee Citizenship.

Census Rolls 1835 to 1852
Ancestor

vs.
Cherokee Nation.

Office Commission on Citizenship,
Cherokee Nation, Ind. Ter.,
Tahlequah, Aug 20th, 1889.

The above case having been submitted by W. F. Ross, attorney for claimant, without evidence, the Commission decide that Mary Dawson aged 54 years, and her son Walter Dawson aged 13 years are not of Cherokee blood. Post office Bowie Texas.
Attest:

E. G. Ross,
Clerk Commission.

Will P. Ross,
Chairman.
J. H. Guntter, Com."

BY MR. HUTCHINGS: The Nation further introduces the original envelope in the case of Andrew J. Dawson, which said envelope contains his original application; also the judgment in that case recorded on page 82, of Book A, of the records of the Citizenship Commission of the Cherokee Nation, which said records are now in the custody of the Commission; the judgment is dated April 20th, 1882.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced above, is endorsed as follows:

"Name, Andrew J. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Nevada, Mo. Age 44 years, -- 1835, Roll of 1835, Ancestor, -- Filed the 11 day of February 1887, Docket 37 Book A, Page 38 Testimony on Journal -- Page, Decision of Commission, REjected, 26 day of April, 1889. REjected."

The contents of said envelope are as follows:

"To the Commission on Citizenship.
Tahlequah, I. T.,
January 27, 1887.

	Age		Sex
Andrew J. Dawson,	44 years		Male
E. E. Dawson,	16	"	"
Olive M. Dawson,	14	"	female
William H. Dawson,	11	"	male
Jessie K. Dawson,	9	"	"
Gleennie D. Dawson,	8	"	Female.

V.S.
Cherokee Nation.

Know comes Andrew J. Dawson, and five children claiming his right to Cherokee citizenship by virtue of his Cherokee blood, he being a cousin of E. Dawson and others of the same name admitted to citizenship by the Ter Ter Court on citizenship, which is a matter of record, we submit that as proof of the justness of his claim, his ancestors will be found on the roll of 1835.

Respectfully,
Post-office, (signed) A. J. Dawson &
Nevada, Mo. five children,
by C. H. Taylor,
Attorney."

The judgment just introduced and found on page 33 of Book A, Records of Cherokee Commission on citizenship, is as follows:

"Andrew J. Dawson,
Office Commission citizenship,
Tahlequah, C. H., Feby 11, 1887.

Docket No	Name	Age	Sex
Family			
1	Andrew J. Dawson,	44	Male Nevada, Mo.
2	E. E. Dawson,	16	"
3	Olive M. Dawson,	14	Female
4	William H. Dawson,	11	Male Applicants for
5	Jessie K. Dawson,	9	" Cherokee citizenship,
6	Gleennie D. Dawson,	8	Female C. H. Taylor.
			Rolls 1835,

Rejected April 26, 1889, (red ink.)

V.S.
Cherokee Nation.

Filed Feby 11, 1887.

Ancestors,

Adverse.

See decision in this case in that of L. R. Dawson,
Book P.20.
rendered April 26- 1889.

D. S. Williams,
Clk Com."

BY MR. HUTCHINGS: We next desire to introduce the records in the case of this same Andrew J. Dawson, before the Commission to the Five Civilized Tribes, filed September 7th, 1896, and the judgment of the Commission thereon. Number of said case being 4,694. And the judgment of said case on Page 294, Book B., Dawes Commission Record, 1896. Judgment was rendered November 17th, 1896, denying the application.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The records just introduced, being those filed before Dawes Commission, 1896, in Andrew J. Dawson, et al., are as follows:

Registry Receipt,
Post Office at Vinita, Sep. 7, 1896, Cherokee Nation, Ind Ter.,
Registered Letter, No. 409, Rec'd, of A. J. Dawson, addressed
to S. H. Hayes, Tahlequah, I. T., (signed) D. A. Frayser,
L.-P. M.

"Commission to the Five Civilized Tribes,
Vinita, Ind. Ter., Sept. 7, 1896.

See that you swear to your petition.

Evidence of service of copies of Chief or Governor may be secured as follows: If convenient get his receipt to file with your papers. If you cannot do this, register to him, and have some interested person to make an affidavit in form about as follows:

I, S. H. Davidson, do solemnly swear that on the 7th day of September, 1896, I saw a package registered at the Post office at Vinita, Indian Territory, addressed to Hon. S. H. Hayes, Chief of the Cherokee Nation, Tahlequah, Ind. Ter., that registry receipt no. 409, received from postmaster, hereto attached, is a receipt for said package, which contained true copies of the application of Andrew J. Dawson, and of the affidavits of E. Dawson and F. H. Dawson in support of same.
(signed) S. H. Davidson.

Subscribed and sworn to before me, on this 7th day of September, 1896.

(seal)

(signed) W. H. Kornegay,

Notary Public, First Judicial Division,
of the Indian Territory.

Attach receipt to this affidavit and send with papers to the Commission at Vinita, Indian Territory. This takes the place of the former instructions, as we understand that packages are not promptly accepted for by the Chiefs and Governors.

xxx

For the Commission."

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss and Alexander B. Montgomery, United States Commissioners, authorized by an Act of Congress of June 4th, 1896, to hear and determine claims for citizenship in the Cherokee Nation:

Gentlemen:-

The undersigned, your petitioner, Andrew J. Dawson, ~~Williar H. T. Dawson Jesse K. D..~~ (Line in ink drawn through these names) for and on behalf of Minnie E. E. Dawson, Olive Maud Dawson, Williar H. T. Dawson, Jesse K. Dawson, Glen Dale Dawson, James K. P. Dawson, Williar A. Dawson, Maggie E. Dawson, Richard A. Dawson and Mary E. Dawson and heirs, this day make their application to you for the purpose being placed on the revised roll of Cherokee Indians and of those entitled to share in the distribution of the funds and allotments of lands in the Cherokee Nation by virtue of their Cherokee blood, and petitioners state that they are Cherokee Indians by blood, deriving the same from Captain John Rogers, Polly Rogers, Daughter of Captain John Rogers, married Samuel Dawson, whose name will be found on the authenticated rolls of the Cherokees by blood, taken in the years 1817, 1818, 1819 and 1825 & 1838 the same to be submitted to your Honorable Commission for a full and complete investigation, and if found correct as stated, to be granted all the rights, privileges and immunities of other Cherokee citizens, and petitioner herewith files his proof in support of said claim, and respectfully awaits the time when his application shall be heard and tried.

Respectfully submitted,

Andrew J. Dawson,

Enrollment of family, with relationship attached, as follows:

Names.	Ages.	Relationship.
Minnie E. E. Dawson,	25	Daughter,
Olive Maud Dawson,	23	daughter
Williar H. T. Dawson,	20	son,
Jesse K. Dawson,	18	son.
Glen Dale Dawson,	16	daughter.
James K. P. Dawson,	17	brother.
Williar A. Dawson,	18	Nephew.
Maggie E. Dawson,	9	Niece.
Richard A. Dawson,	17	Nephew.
Mary E. Dawson,	5	Niece.

IN WITNESS WHEREOF, I hereunto set my hand this Third day September 1896.

(signed) Andrew J. Dawson."

Jurat on back as follows:

United States of America,
Indian Territory,
Northern District,

Andrew J. Dawson, of lawful age, being duly sworn states that he knows the facts set forth in the above and foregoing Application and that the same are true as he verily believes,

(signed) Andrew J. Dawson,
Subscribed and sworn to before me on this the 3rd day of
September 1896.

(Seal)

(signed) J. A. Tillotson,
Notary Public.
My Commission expires June 3rd 1899.

Indian Territory,
Northern Judicial District (S.S.
District

Andrew J. Dawson, of lawful age, being by me first duly sworn on oath says that he is 52 years old that his post office address is Afton, I. T. Affidavit further says that he is a citizen of the Cherokee Nation and a Cherokee Indian by blood deriving his Indian blood from Polly Rogers daughter of Captain John Rogers, that Polly Rogers, a daughter of Captain John Rogers married Samuel Dawson near Calhoun, Tenn. on the Hiwassee river while emigrating to the west.

Affidavit further says that Samuel Dawson and Polly Rogers are his grandfather and grandmother and that Captain John Rogers was recognized by the National Council of the Cherokee Nation as a Cherokee citizen in the laws of the Cherokee Nation of 1852 as follows: An act of the Council of 1842 page 60, an act of Nov. 17th 1843, page 96, also an act of Nov. 16 1849 page 204.

Affidavit further says that he is a blood relation of E. Dawson, T. H. Dawson, Joseph Dawson, and John Dawson who were admitted to citizenship by the Cherokee Nation and whose names appear upon the authenticated rolls of 1893.

(signed) Andrew J. Dawson.
Subscribed and sworn to before me this 3rd day of September
A. D. 1896.

(Seal)

(signed) J. A. Tillotson,
Notary Public.
My Commission expires June 3rd 1899.

Indian Territory,
Judicial Dist.)
S.S.

F. H. Dawson, of lawful age, being by me first duly sworn on oath says that he is 54 years old: that his post office address is Afton, Indian Territory, Affidavit further says I have known Andrew J. Dawson for the past 10 years and have known him and recognized him as a Cherokee Indian and a cousin of mine, he claims to have originated from the family of Joe Dawson and he was a brother of Robert Dawson my father, and he being an offspring of Sam Dawson, who married Polly Rogers, a daughter of Captain John Rogers, who was a recognized Cherokee Indian.

(signed) F. H. Mayes

Subscribed and sworn to before me this 4th day of Sept 1896.

(signed) Frank L. Sharp
Notary Public, (seal)

"Ind Ter
Northern Dist

This affidavit made this 4th day of Sept 1896
by E. Dawson of this Dist in the Cherokee Nation
I have known A. J. Dawson 10 years and have known him and
recognized him as a Cherokee Ind and a cousin of mine,
he claims to originate from the family of Joe Dawson and he
was a brother of Robert Dawson and being an offspring of Sam
Dawson who was (line in ink drawn through word was) married
Pollie Rogers a daughter of Captain John Rogers who was a
recognized Cherokee Indian.

(signed) E. Dawson.

Subscribed and sworn to before me this 4th day of Sept 1896.

(signed) J. Barricklaw,
Notary Public,

My commission expires June 8, 1899.

(Seal)*

Indorsed on back: "No. 1509, A. J. Dawson vs Cherokee Nation
Filed Sept 7-1896 A. S. McKennon, Clerk."

Before the Honorable Henry L. Dawes, Frank O. Armstrong, A. S.
McKennon, T. H. Cabanier, A. B. Montgomery, Commissioners.
In the Matter of the application of
Andrew J. Dawson.

Nation's No.
Commissioner's No.

for citizenship in the Cherokee Nation.

Your respondent, F. H. Mayes, Principal Chief of
the Cherokee Nation, comes now and demurs the said application,
and for the grounds thereof says:

1st. That this Commission has not jurisdiction over the
parties on subject matter of this controversy.

2nd. That the application does not state facts sufficient
if true, to show that the applicant is entitled to
citizenship.

Respondent not waiving his aforesaid demurrer, but
insisting upon the same for answer to said application, says
that John Rogers through whom the petitioner claims to derive
right to citizenship in the Cherokee Nation, is not now, -
and has not been a citizen of the Cherokee Nation, since
the removal of said Nation, west to the Indian Territory, as
at present located and defined; that his name does not appear
on any of the authenticated rolls of said Nation; that neither
nor any of his ancestors now reside, or ever have resided in
the Cherokee Nation and Indian Territory, as citizens thereof.

See case Nation's No. 1573.

Having fully answered, your respondent asks to be hence
dismissed.

S. H. Mayes, Principal Chief Cherokee Nation.

B. Hutchings, Hastings & Moudinot, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having
been first duly sworn, states that the matters contained in
the foregoing answers are true, to the best of his knowledge
and belief.

(signed) John L. Adair,

Subscribed and sworn to before me this 5th day of Oct 1896.

(signed) D. J. Ball,

Notary Public.

(Seal)*

Indorsed as follows: "Nation's No. 4679.
Court's ion's No. 4694, In re application of Andrew J. Dawson,
DEMURRER AND ANSWER. Filed Oct 21 H. H. Jacoway, Sec."

The foregoing documents, comprising the 1896 papers
as above set forth, are inclosed in envelope indorsed:

"No. 4694, Petition of Andrew J. Dawson, and heirs, Cherokee,
8-7-96, Rejected."

Which envelope is inclosed in jacket, marked "No. 4694."

BY MR. HUTCHINGS: Now we desire to introduce the records in
the case of Joanna Barber, et als., No. 1864, the United States
Court number being 80, and the Nation desires to call especial
attention to the testimony of T. C. Rogers and Sarah Carter
as set forth in this case.

BY MR. McKENNON: To all of which applicants object, because
it is wholly irrelevant, immaterial and incompetent.

Records in said case are as follows:

blood is shown by proof here-
with filed.

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald
S. McKennon, Thomas B. Cabaniss and Alexander B. Montgomery,
United States Commissioners authorized by an act of Congress
of June 4, 1896, to hear and determine claims for citizenship
in the Cherokee Nation:

Gentlemen:- The undersigned, your petitioner, Joanna Barber,
for and on behalf of herself and heirs, this day makes this
their application to you for the purpose of being placed on the
revised roll of Cherokee Indians and of those entitled to

share in the distribution of funds and allotments of land in Cherokee Nation, by virtue of their Cherokee blood, and I herewith submit the affidavits of E. Dawson, S. R. Dawson, P. A. Dawson & P. W. Dawson in support of said claim, and respectfully await the day when our application shall be heard and tried.

Respectfully submitted,
(signed) Joannah Barber.

Enrollment of family, with relationship attached, as follows:

Name	Age	Relationship.
Joannah Barber,	60	Daughter of Elizabeth or Belah
Isaac J. " Husband	65	Petty, nee Dawson, who was a
Onie F. " "	26	daughter of Polly Dawson, nee
W. R. " "	24	Rogers who was a daughter of
James F. " "	18	Capt Jno Rogers and Alley Rogers
Johnny " "	6	nee Vann a Cherokee Indian by
Joel A. Barber	20	blood as is shown by proof here- with filed.

In witness of which I hereto set my hand on this 6 day of August 1886.

(Signed) Joannah Barber.

Indexed as follows: "Pd 2.50 No. 111. Petition of Joannah Barber for and on behalf of herself and heirs."

TO THE HONORABLE HENRY L. DAVIS AND OTHERS COMPOSING THE COMMISSION TO THE FIVE CIVILIZED TRIBES:

Your petitioner, Joannah Barber, would state and show from the proof submitted to the Commission that he is a Cherokee by descent and by blood having been born in Garfield County, State of Ark. on the 5 day of Dec 1825. My father's name was John Petty. My mother's name was Elizabeth Petty, nee Dawson. That I now reside in the Cherokee Nation, and have resided there for 10 years. And she avers these facts can be established by proof to the satisfaction of the Commission under such rules and regulations as it may prescribe. And she further avers that these facts being proved she is entitled to be adjudged under the laws of such Nation and the laws of the Congress of the United States and the treaties of such Nation with the United States, a citizen of such Nation, with all the rights, privileges and protection of citizenship in such Nation. Wherefore she herewith respectfully submit to the consideration of the Honorable Commission such proof and on the hearing she be adjudged entitled to such citizenship and her name be placed upon the proper roll as a citizen of such Nation.

(signature Joannah Barber.)

INDIAN TERRITORY, } ss
FIRST JUDICIAL DISTRICT

Now on this 6 day of Aug personally appeared before me W. L. Davis a Notary Public in & for the said Territory, Joannah Barber, who being duly sworn upon his oath states that the facts set forth in the foregoing petition are correct and true.

Subscribed and sworn to before me this 6 day of August 1896.

(Seal)"

(signed) F. J. Patts,
Notary Public.

"(COPY)

In the matter of the claim of Joannah Barber nee Joannah Petty
to Cherokee Indian Citizenship in the Cherokee Nation, Indian
territory.

Affidavit of S. R. Dawson.

Delaware District,
Cherokee Nation,
First Judicial Division,
U.S. Court, Indian Territory. } ss

S. R. Dawson, to me well known to be reliable
and respectable, after being duly sworn according to law
states on oath, that he is a bona-fide citizen of the Cherokee
Nation by blood- that he is a resident of said Nation- that
his post-office address is Afton, I. T.; that he is fifty-one
years of age- that he is well acquainted with the claimant
Joannah Barber and has as long as he has known any person- that
she is of Cherokee Indian descent- that her maiden name was
Joannah Petty- that she was the daughter of one Elizabeth Petty,
a person of Cherokee Indian descent- that Elizabeth Petty's
maiden name was Elizabeth Dawson- that said Elizabeth Dawson
was the daughter of Polly Rogers, a person of Cherokee Indian
descent, who intermarried with Samuel Dawson, a white man- that
he said Polly Rogers was the daughter of Captain John Rogers
and Ailsay Vann both well known Cherokee Indians.

Affiant is not directly nor indirectly interested in the
result of this application.

(Impress of
National Seal)

(signed) S. R. Dawson.

Subscribed & Sworn to before Jany 6 1892

(signed) W. F. Hubbard,
Notary Public."

"United States of America,
Indian Territory, (ss
First Judicial Division.

I, William F. Rasmus, a Notary Public within
and for the Judicial Division aforesaid, do hereby certify
that the next above in the within one page of an affidavit
is a true and literal copy of the original as presented to me
at Tanlequah, Ind. Terr., this the Third day of July A.D. 1893.

(signed) William F. Rasmus,
Notary Public, First Judicial Division, Indian Territory.
(Seal) My Commission expires Feby 3, 1897."

(A copy)

In the matter of the claim of Joannah Barber (nee Joannah Petty)

to Cherokee Indian Citizenship in the Cherokee Nation,
Ind. Ter.

Affidavit of E. Dawson,
Deceased, deceased District,
Cherokee Nation,
First Judicial Division,
U. S. Court, Ind. Ter.

E. Dawson, to me well known to be reliable and responsible after being duly sworn according to law stating on oath that he is a Bonified citizen of the Cherokee Nation by blood- that he is a resident in said Nation that his post office address is Tahlequah, Ind. Ter.-that he is 58 years of age- that he is well acquainted with the claimant Joannah Barber and has known as long as he has known any person- that she is a person of Cherokee Indian descent the her maiden name was Joannah Petty- that she was the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of one Polly Rogers a person of Cherokee descent, who intermarried with Samuel Dawson, a white man, that the said Polly Rogers was the daughter of Captain John Rogers a well known Cherokee Indian.

Affiant is not directly nor indirectly interested in the result of this application.

(signed) E. Dawson.

Subscribed and sworn to before me this 24th day of Febr'y 1895

(signed) A. E. Williams,

Notary Public.

(Impress of
National Seal
here.)

Com. Exps. Sept. 26/96.

United States of America,
Indian Territory, S S
First Judicial Division.

I, William F. Rasmus, a Notary Public within and for the First Judicial Division, Indian Territory, do hereby certify that the next above and the within one page of an affidavit is a true and literal copy of the original presented to me at Tahlequah, Ind. Ter. this the third day of July A.D. 1897.

(signed) W. F. Rasmus.

(Seal) Notary Public, First Judicial Division; Indian Territory, My Commission expires Febr'y 3, 1897.)

United States of America,
Western District of Arkansas, SS.

In the case of one Joannah Barber claimant for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian authority at Tahlequah, Cherokee Nation, Indian Territory.

Personally came this day before me William F. Rasmus, a Commissioner U. S. Court within and for the District aforesaid duly authorized to administer oaths W. A. Dawson, to me personally well known to be reputable and entitled to credit, and who being by me first duly sworn according to law, deposes and

and says: My name is W. A. Dawson, my age is 52; years; my post-office address Tulsa, Ind. Terry. I am a farmer by occupation, I am a citizen of the Cherokee Nation, I. T. by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: That he is personally well acquainted with the claimant, Joannah Barber- whose mother's name was Elizabeth (commonly called Betty) Petty, Dec'd nee Elizabeth Dawson, - a Cherokee Indian by blood, and who was the sister of his father; James Dawson, Dec'd, a recognized and acknowledged Cherokee Indian by blood- she was also a sister of Robert Dawson Dec'd a recognized and acknowledged Cherokee Indian by blood- said Robert Dawson having been a full brother to said James Dawson- that therefore the said claimant, Joannah Barber is his (affiant's) first cousin by Cherokee Indian blood and that he so recognized and acknowledged her.

(signed) W. A. Dawson.

Subscribed and sworn to before me at Tahlequah, Ind. Terry this third day of December A.D. 1894.

(signed) Wm. F. Rogers,
United States Commissioner."

(seal)

"UNITED STATES OF AMERICA.)
Western District of Arkansas.)ss

In the case of Joannah Barber claimant for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian authority at Tahlequah, Cherokee Nation, Indian Territory.

Personally came this day before me William F. Rogers, a Commissioner of the U. S. Dist. Court within and for the District aforementioned duly authorized to administer oaths Francis L. Dawson, to be made personally well known to be reputable and entitled to - - and who - - duly sworn according to law deposes and says: My name is Francis L. Dawson my age is about 57 years, my post-office address is Afton, Ind. Terry, I am a farmer by occupation, I am a citizen of the Cherokee Nation, by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: I am personally well acquainted with the claimant Joannah Barber, whose mother's name was Elizabeth (commonly called "Betty") Petty, nee Elizabeth Dawson, a Cherokee Indian by blood, said Elizabeth Petty was a full sister of my father Robert Dawson Dec'd, a Cherokee Indian by blood- and I acknowledge the relationship by Cherokee Indian blood of Joannah Barber to me as first cousin- and I know that the said Joannah Barber therefore is of Cherokee Indian blood.

(signed) F. L. Dawson.

Subscribed and sworn to before me at Tahlequah, Ind. Terry- this 17th day of November A.D. 1893.

(signed) Wm. F. Rogers,
United States Commissioner.

(seal)

Indorsed on back as follows: No. 1 filed Feb 24 1897,
Jas. A. Winston, Clerk."

"Page 21, Docket "B"

Joannah Barber.

Office Commission on Citizenship,

Tahlequah, C. N. August, 1887.

Docket, No.	Name	Age.	Sex.	Post Office.	Atty.
1	Joannah Barber	51	female	Vinita, I. T.	
2	Ailey J. Barber	34	female		
3	Irena Barber	24	female		
4	Ema Barber	22	female		
5	Atta Barber	20	female		
6	Harv Barber	13	female	applicant for	
7	Onice Barber	17	female	Cherokee citizenship	
8	Joel Barber	31	male	Polla 1835	
9	Calaway Barber	27	male		
10	Tolliver Barber	26	male	Ancestor	
11	Riley Barber	15	male		
12	Edgar Barber	9	male		

V.S.

Filed Aug. 12, 1887.

John Rogers &

Aley Pruett

See decision this case in that of L. R. Dawson, adverse to claimant in this Book page 20. This April 26th, 1889.

D. S. Williams,
Clerk cor.

Will. P. Ross, Chairman,
J. E. Genter, Con."

"S. R. Dawson.

Office Commission on Citizenship,

Tahlequah, C. N. Aug. 11th, 1887.

Docket. No.	Name.	Age.	Sex.	Post Office	Atty.
1	S. R. Dawson,	66		Catoosa, I. T.	
2	Parlee Dawson,	44	female		
3	Americe J. Dawson,	35	female		
4	Katherine J. "	32	female		
5	J. C. Dawson,	31	male		
6	Elias F. Dawson,	29	male		
7	Tolliver Dawson,	27	male	Applicant for	
8	Ema Dawson,	20	female	Cherokee	
9	Fanny Dawson,	18	female	Nation	
10	John Riley Dawson	11	male		
11	Robt. E. Dawson,	9	male	R	
12	Clara Dawson,	7	female		
13	Cleveland Dawson	3		Ancestor	

Filed Aug. 11, 1887.

John Rogers

Rejected April 26, 1889.

Now this day comes the above case for final hearing, Samuel R. Dawson bases his application for re-admission to citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson, a white man, Polly Rogers, the alleged daughter of Captain John Rogers, and Chelsey Pruett said to be half sister of Joseph Vann and only known as rich and who were of Cherokee blood. It is admitted that John Rogers and

Gilley Pruett died before the rolls upon which their names would appear if living at the time, and specified in the 7th Section of the Act of December 8th, 1888, granting the Commission on citizenship were made, but in support of the application it is urged that certain members of the Dawson family the full brothers of the applicant were admitted to citizenship by the Commission on citizenship cases only known as the "Tokee Court" and "Spears Court" and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the consideration which determined the decisions of those Commissions or the testimony now introduced to authorize the admission of the present applicant is not relevant in the issue now pending. The 7th Section of the Act of December 8th, 1888, before named provides that the Commission hearing to any person applying for citizenship in the Cherokee Nation upon the grounds of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of Cherokees taken by the United States, and hereafter enumerated, neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon either of said rolls, the Commission adjudge and decree that Samuel R. Dawson and family are not entitled to re-admission of citizenship in the Cherokee Nation or Cherokees by blood. This opinion includes the case of Andrew J. Dawson, James K. P. Dawson, Joannan Barber, nee Joannan Dawson, and Jane Queen, nee Jane Dawson and their families as enumerated in their respective applications.

Will. P. Ross, Chairman,
P. Bunch, Commissioner,
John E. Gunter, Commissioner.

This April 26th, 1889,
D. S. Williams, Clerk Com.

United States of America,)
Indian Territory, (ss.
Northern District.)

W. C. Rogers being duly sworn on oath deposes and says: that he is a citizen and resident of the Cherokee Nation, Indian Territory. That his post-office address is Skia-atook, Ind. Ter. that he was born and raised in the above said Nation and Territory; that he is 46 years of age:

Affiant further states that he is slightly acquainted with Irena J. House, an applicant for admission to citizenship in the Cherokee Nation as shown by copy of her application.

Affiant further states that his father's name was Charlie Rogers- who was a son of Captain John Rogers and the said Capt. John Rogers was the only man of that name that ever lived in the Cherokee Nation that this affiant ever heard of; that the said Capt. John Rogers this affiant's grandfather lived at Grand Saline, L. T. and died in Washington, D. C.

This affiant states that his father Charlie Rogers had one sister and five brothers viz. Cynthia Rogers, Lewis Rogers, George Rogers, Nelson Rogers, Granvil Rogers and Randolph Rogers; that he (this affiant) was well and personally acquainted with the above said parties except Granvil and Randolph Rogers, who were killed when this affiant was quite young.

This affidavit states that he was 34 years of age, that his father, Charlie Rogers died; that his father never had any other family (this is in ink drawn through word family) brothers or sisters that the only one mentioned; that the said Polly Rogers named in the application for citizenship of Irene J. House, was not a sister of his father; that his father never had but one sister viz. Cynthia Rogers that this affiant overheard of; that this affiant was well acquainted with his aunt Cynthia Crump.

Just here the following is inserted on separate paper:

"EXECUTIVE DEPARTMENT OF
CHEROKEE NATION. I, John L. Adair, Executive Secretary of the Cherokee Nation, do hereby certify that I have compared the foregoing with the original record in this Department, and that the same are correct copies and transcripts therefrom.

In witness whereof I have hereunto set my hand and affixed the Great Seal of said Cherokee Nation, at Tahlequah, this, the 5th day of Feb. 1896.

(Seal) (signed) John L. Adair,
Executive Secretary."

Then the above affidavit continues:

"(nee) Rogers that she lived with this affiant's father for a number of years prior to her death.

Affiant states that he has often talked with his father, Charlie Rogers and his aunt Cynthia Crump (nee Rogers) about his relatives; that they never spoke of any other sister in their family; that this affiant was about 30 years of age when his aunt, Cynthia Crump died; that they told him there never was (words "never was" marked over with ink) father never had any other daughter or daughter other than Cynthia Rogers.

Affiant states that his father told him a number of times, that this affiant's grandfather Capt John Rogers never had any other family other than the one above mentioned; that this affiant never heard his father Charlie Rogers or any of his relatives speak of his grandfather Capt John Rogers owning, or running a boat up any river.

Affiant states his father Charlie Rogers was born on Big Mulberry, South-east of Van Buren, Arkansas, in the year of 1817.

Further affiant saith not.

W. H. Rogers.

Subscribed and sworn to before me on this the first day of October, 1896.

(signed) William H. Hall,
Notary Public,

(Seal) My Commission expires January 16th, 1900."

"United States of America,
Indian Territory,
Northern District.

SS

Mrs. Sarah Carter being first duly sworn states: that she is a citizen and resident of the Cherokee Nation, Ind. Terr. and her post office address is Ringo, I. T., that she is 64 years of age.

Affiant states that she is the daughter of Charlie Rogers, that her grand father on her father's side was Capt John Rogers. Affiant further states that W. C. Rogers is her brother, and that she has read the foregoing affidavit of W. C. Rogers, and knows the contents thereof, that the facts therein set forth are true as she verily believes.

(Signed) Sarah Carter,
Subscribed and sworn to before me this 5th day of October, 1896.

William H. Hall,
Notary Public.

My Commission expires January 1st 1900.
(seal)

Before the Honorable Henry L. Daves, Frank C. Arrabong,
A. S. McKennon, Jr. B. - (have torn off) A. B. Montgomery,
Commissioners.

In the matter of the application of Nation's No. 1573
Joannah Barber Commission's No. 1573
for citizenship in the Cherokee Nation.

Your respondent, S. H. Hayes, Principal Chief of the Cherokee Nation, comes now and deposes the said application, and for the grounds thereof says:

1st. That the Commission has no jurisdiction over the parties or subject matter of this controversy, and not legal right, therefore, to hear and determine the same.

2nd. That the application does not state facts sufficient, if true, to show that the applicants are entitled to citizenship.

Respondent not waiving the aforesaid defurrer, but insisting upon the same for answer to said application, says the John Rogers through whom the petitioners claim to derive their right to citizenship in the Cherokee Nation, is not now, and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory as at present located and defined; that his name does not appear upon any of the authenticated rolls of said Nation; that neither they nor any of their ancestors now residing or who have resided in the Cherokee Nation and Indian Territory, are citizens thereof.

Having fully answered, your respondent asks to be discharged.

S. H. Hayes, Principal Chief Cherokee Nation.

By H. H. Hastings, Hastings & Sandinet, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matter contained in the foregoing answer are true, to the best of his knowledge and belief.

(Signed) John L. Adair,

Subscribed and sworn to before me this, 5th day of Oct. 1896.

(Signed) W. J. Hall,

(seal)

Notary Public.

Increase in bag as follows: "1864-90 W. H. Loomis, Jr.
1877, Com. Isidorus Mc... Is an application of No. B
Journal Harbor, Denmark and Answer filed Mar 15 1877 Jan.
A. Winston, Clerk/ Filed Oct 7 1890 W. H. Jacobson, Secy."

• ४१११ •

BEFORE THE HONORABLE COMMISSION OF THE UNITED STATES OF AMERICA,

duly appointed and empowered to Act, under and by virtue of
the Act of Congress of June 4th 1896, to hear and determine all
claims for citizenship of the five civilized Tribes of Indians,
to-wit: Cherokee, Creek, Choctaw, Chickasaw and Seminole Indians.

In the matter of the application for citizenship in the Cherokee Nation, of Joanna Barber and her children, to-wit: Onis E. Barber, William L. Barber, James E. Barber, Johnnie Barber and Jack A. Barber.

In the matter of the application for citizenship in the Cherokee Nation of Joel A. Barber and his children, to-wit: Mattie Barber, Toliver Barber, George A. Barber, Frank O. Barber, Jesse Barber and Ethel Barber.

In the matter of the application for Citizenship in the
C.roke Nation of Larry A. Rorer a minor child, to-wit: Inez
Rorer.

In the matter of the application for citizenship in the
C'rooked Nation of Eula L. Murphy and her child, to-wit:
Claude E. Murphy.

In the last or of the application for citizenship in the Cherokee Nation of Eura Moore and her children, to-wit: Anna J. Moore; Jackson D. Moore; Ruby Moore and Gladys Moore.

In the matter of the application for citizenship in the Cherokee Nation of Al-ice L. Hunt and her child, to-wit: Derman Hunt.

In the matter of an application for citizenship in the Cherokee Nation of Alcey J. Smart and her children, to-wit: Georgia A. Smart and Erzy L. Smart.

In the matter of the application for citizenship in the Cherokee Nation of Jeremiah J. Garlinghouse and her children, to-wit: Myrtle O. Garlinghouse, Doris L. Garlinghouse and Bertha E. Garlinghouse.

In order that the Honorable Commission may clearly and fully understand the proof and merits of the claim of the aforesaid claimants, we deem it necessary to present to the Honorable Commission, the genealogy of each of said claimants, to-wit:

Joanna Barber, whose maiden name was Joanna Poley, is a daughter of Elizabeth Poley, nee Dawson and a granddaughter of Poley Dawson, nee Rogers and a great granddaughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

POOR ORIGINAL -
BEST AVAILABLE COPY

Joel A. Barber is a son of Joanna Barber, nee Petty and grand son of Elizabeth Petty, nee Dawson and a great grand son of Polly Dawson nee Rogers and a great great grand son of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted. Mary A. Barber, whose maiden name was Mary A. Barber, is a daughter of Joanna Barber and a daughter of Elizabeth Petty, nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Ella Murray, whose maiden name was Ella Barber, is a daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great great grand daughter of Polly Dawson nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the submitted proof.

Ella Moore, whose maiden name was Ella Barber, is a daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabeth Petty nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the submitted proof.

Attie B. Hunt, whose maiden name was Attie B. Barber, is a daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the submitted proof.

Aloey J. Smart, whose maiden name was Aloey J. Barber, is a daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson, and a great grand daughter of Polly Dawson, nee Rogers, and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Joanna J. Carlingshouse, whose maiden name was Joanna J. Smart, is a daughter of Aloey J. Smart, nee Barber, and a grand daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great great grand daughter of Polly Dawson, nee Rogers, and a great great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Therefore, the plaintiffs pray the Honorable Commission, that after a careful examination of their application and an impartial investigation of the proof herein submitted, you will adjudge each of said claimants, together with their aforementioned children, entitled to citizenship in the Cherokee Nation, and that you place the name of each claimant, together with the names of their aforementioned children, upon the Cherokee roll, and that you grant to them all the rights, privileges and immunities of citizens of the said Cherokee Nation.

(signed) Hubbard, Carlina & Watts,
Council for Petitioners.

Indorsed as follows: "1897 No. 3 Filed Feb 24 1897,
Jas. A. Winston, Clerk."

Commissioners,
Henry L. Davis, Frank O. Armstrong, Archibald S. Hokenman,
Thomas B. Gahanias, Alexander B. Hottelberry-H. K. Jacoway,
Secretary.

DEPARTMENT OF THE INTERIOR.

Commission to the Five Civilized Tribes,
Vinita, Indian Territory, Oct 2, 1896.
Filed Sept. 8, Answer filed,
Application denied.

Joanna Barber,
vs.
Cherokee Nation.

I, H. K. Jacoway, Jr., Secretary, do hereby certify that
the above and foregoing is a true and correct copy of Cherokee
Re Ord A, page 227 of the Commission to the Five Civilized
Tribes.

Given under my hand and official signature this the 12
day of Feb. 1897.

H. K. Jacoway, Jr.,
Secretary."

Indorsed as follows: "1897 No. 4 Filed Feb 24 1897
Jas. A. Winston, Clerk."

"BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED
TRIBES."

Joanna Barber et al,
vs.
Cherokee Nation.

No. 1864.

AFFIDAVIT FOR APPEAL.

Now come the said Joanna Barber et al applicants for citizen-
ship in this case by W. B. Watts, one of their attorneys,
and pray an appeal from the decision of the Honorable
Commission to the United States District Court as provided
by the Act of Congress approved June 15 1896.

And the said W. B. Watts, being duly sworn & acting
on behalf of said applicants and that the appeal prayed for
in this case is not asked for the purpose of delay but that
justice may be done the applicants.

(Signed) W. B. Watts,
Sworn and subscribed to before me this 22nd day of Dec. 1896.

(SEAL)

(Witness) J. C. Lindsey,

Notary Public.

Commission expires March 20th 1897."

Indorsed: "Court 1890."

Received of H. M. Dawson, Jr., Secretary of the Commission to the Five Civilized Tribes, the original papers, in the case of
----- vs ----- Nation, or followers.

Witness my hand and official seal at Washington this the 20 day
of Feb'y 1897.
(SEAL) (Signed) J. E. Stanton, Clerk.

Indorsed: "Court No. 1864, receipt for original papers
in the case of Joseph Barber et al vs. Cherokee Nation.
Received and filed this day of Feb'y 1897, Secretary."

"IN THE UNITED STATES COURT FOR THE INDIAN TERRITORY,
NORTHERN JUDICIAL DIVISION, AT MUSKOGEE, IND. TER.

Joseph Barber Onia E. Barber, William H. Barber, John
E. Barber, Jennie Barber, Joel A. Barber, Mary A. Barber,
Ella Moore, Alvie L. Hunt, Alcey J. Spart, APPELLANTS,
VS
CHEROKEE NATION, APPELLEE.

PETITION FOR APPEAL FROM THE DECISION OF THE COMMISSION
TO THE FIVE CIVILIZED TRIBES.

Come now the appellants in the above entitled cause
and petition the Court to grant an appeal in said cause from
a decision of the Commission, known as the Dawes Commission,
created and empowered to treat with the Five Civilized Tribes
of Indians, to-wit: the Cherokee, Creek, Choctaw, Chickasaw,
and Seminole Indians, and to pass upon and decide applications
for citizenship in the said Five Civilized Tribes, which
decision by said Commission was rendered by authority of, but
not in accordance with, an Act of Congress passed and approved
June 10th, 1896, and by which decision on the 29 day of
October, 1896 the aforesaid appellants were denied their
rights to citizenship in the Cherokee Nation, Indian Territory.

The facts relied upon by the appellants to establish their
rights to citizenship in the Cherokee Nation, as aforesaid are
as follows: to-wit: The affidavits of E. Dawson, S. E. Dawson
W. A. Dawson, F. M. Dawson.

Said affidavits fully and conclusively establishing the
fact that said applicants are Cherokee Indians,
by blood and descent, and entitled to rights of citizenship
in the Cherokee Nation.

Said affidavits, together with the application of said
appellants, were, prior to September the 10th, 1896, filed
with and submitted to said Commission for its investigation,
consideration and decision.

That a certified copy of said application, together with
the accompanying affidavits, were served upon the Chief, or
Attorney General, of said Cherokee Nation, prior to September
the 10th, 1896.

The errors of the Commission in rejecting the claims for
citizenship of said appellants are the grounds for appeal
to this Court, to-wit:

FIRST. The Commission erred in reaching its decision on said claims adversely to the appellants and against the proof submitted by said appellants.

SECOND. The Commission erred in investigating the claims of appellants and denying said claims in the absence of a majority of the members of the Commission.

THIRD. The Commission erred in refusing the appellants a right and privilege of examining the proof submitted by appellee in answer to the answers filed by the appellee and denying the appellants the right of filing verification to a belated answer or producing proof in rebuttal of the same.

FOURTH. The Commission erred in denying the appellants the right of a trial of their claims by a competent jury, as granted to them by the law and constitution of the United States.

FIFTH. The Commission erred in refusing appellants the right to be present in person, or by attorney, during the trial and determination of their claim before the said Commission.

SIXTH. The Commission erred in refusing to issue process for witnesses and to send for persons and papers when requested to do so by the appellants.

SEVENTH. The Commission erred in deciding against the right of these appellants to be enrolled as citizens of the Cherokee Nation.

EIGHTH. The Commission erred in deciding against blood, holding that blood was not a test of the right of citizenship in said Cherokee Nation.

NINTH. The Commission erred in deciding against the question of residence, holding that residence in the Cherokee Nation was not a test of the right of citizenship in the said Cherokee Nation.

TENTH. The Commission erred in not entering upon their docket or record the grounds upon which the claims of appellants were denied and refusing to notify appellants the grounds of denial or rejection.

ELEVENTH. The Commission erred in examining the claims and proof of appellants and denying the same while the Commission was not clothed with any legal authority, nor had jurisdiction, to render decision on said claims and deny the same.

TWELVE. That the Act of Congress approved June the 10th, 1896, was unconstitutional and had no power or legal right to confer jurisdiction on said Commission to try and determine the rights to citizenship of said appellants, and said Commission erred in determining the rights and denying the same to said appellants.

THIRTEENTH. That Congress had no power by enactment to create, appoint and empower a judiciary, and said Commission erred in denying the claims of said appellants without any legal authority to do so.

Therefore, the appellants of this cause pray that an appeal be granted to this Court and that a trial, de novo, be granted the appellants, and that said appellants be permitted to introduce new testimony, and that an order be made requiring said Commission to send all pleadings, papers and records filed before it in this cause to this Court, and that the Cherokee Nation, the appellee in this case, be cited to appear

at this Court will clear and defend against the appeal and show why the appellants should not by the rules, orders and decisions of this Court be adjudged entitled to citizenship in the said Cherokee Nation, and the appellants will ever say,

(signed)

W. W. Watts,
A. H. Garland,
W. J. Watts,
Attorneys for Appellants."

Indorsed on back: "Cherokee Citizenship Case, No. 99 No 5
Joanna Barber et al vs Cherokee Nation Filed Dec. 25 1896
Jas A Winston clerk Watts, Garland, & Watts, Attorneys for
Appellants."

"SUMMONS."

SO WIT:
United States of America,) (ss.
Indian Territory,)
Northern District.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Marshal for the Northern District, Indian Territory:

You are commanded to summon the Principal Chief of the Cherokee Nation, or the Attorney General of said Nation, to answer on the first day of next lay term of the United States Court for the Northern District, Indian Territory, at Muskogee, Indian Territory, being the 4th day of May, 1897, A.D. 189-- a petition praying an appeal from the decision of the Commission to the Five Civilized Tribes duly filed in said Court by Joanna Barber, Chris E. Barber, Thos R Barber, Jas E Barber, Jennie Barber, Joel A. Barber, Mary A. Barber, Emma Moore, Attie E. Hunt, Alcey J. Smart, who claim to be entitled to be enrolled as citizens of said Nation, to the United States Court for the Northern District, Indian Territory, which petition is now pending in said Court, and warn him upon a failure to answer petition within thirty days from the time of the service of this writ, the same will be taken for confessed, and you will make due return of this summons within ten days after the actual service of this writ,

Witness the Honorable William M. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, the 28th day of Dec, 1896 A.D. 189--

(signed) J. A. Winston, Clerk.

(SEAL)"

"MARSHAL'S RETURN."

I received this summons the 28th day of December A.D. 1896 and served the same as follows: W. T. Hutchings, Attorney for Cherokee Nation Indian Accepted Service on the within at Muskogee, Ind Ter on this 12th day of January, 1897

(signed) W. B. Watts

U. S. Marshal

By Deputy."

Indorsed on back as follows: "Citizenship Case No. 20
Ch. N. Nation... Cherokee... At vs. et al. et al."

Johnna Barber et al.
vs. No. 20.
Cherokee Nation.

I, H. A. Gibson, Special Master, to whom this
case was referred, submit the following report:

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY,
NORTH-ERN DISTRICT, AT MUSKOGEE.

JOANNA BARBER ET AL.

-VS-)

: 106 REPORT OF SPECIAL MASTER.

THE CHEROKEE NATION.

1

I, H. A. Gibson, Special Master herein, show to the Court
that under the general order herein, I have examined the
proof and pleadings herein, which is hereto atached and made
a part hereof, and that I find as follows:

I

This this cause was instituted on September 30th, 1896,
before the Dawes Commission to the Five Civilized Tribes, by
Joanna Barber, and Isaac J. Barber, her husband, and their
children, Onis E., William E., James E., Johnnie and Joel A.
Barber. That Joel A. Barber has the following children:
Mattie Toliver, George A., Frankie O., Jesse and Ethel Barber.
That the application includes also Mary A. Barber and her
child Inez Barber, Emma L. Murphy and her child Clara Murphy,
Eva Moore and her children Anna J., Jackson D., Mary and
Glady, Attie L. Hunt and her child Norman Hunt, Alice J. Smart
and her children George A. and Ezzey M. Smart, Joanna J.
Garlinghouse and her children Lytle O., Cora L. and Bertha
M. Garlinghouse. That this application was by the Commission
tried and rejected on October 20th, 1896, with no reasons
given for the decision, and that subsequently on December 22,
1896, the claimants appealed to this Court. That the parties
all live in the Cherokee Nation, Indian Territory.

II

That the parties claim the right to be admitted to
citizenship in the Cherokee Nation by reason of their
descent from Polly Rogers, who is claimed to be a Cherokee
Indian by blood. That they filed in support of their application
the affidavits of S. R. Dawson, E. Dawson, Francis M. Dawson,
and W. A. Dawson, who testify that Joanna Barber is the
daughter of Elizabeth Poley, nee Dawson, who was the daughter
of Polly Rogers, who married a white man by the name of
Samuel Dawson, and that Polly Rogers was the daughter of
Captain John Rogers and Alice Vann. That these witnesses
are all Cherokee citizens by blood, and related with the

claimants, and according to their testimony, related to them by blood.

The appellee introduces to contravert this testimony the decision of the Cherokee Commission on Citizenship, rendered in the year 1887, in which these claimants were rejected by this Commission and with the affidavits of W. C. Rogers a grandson of Captain John Rogers, and Mrs. Sarah Carter, a granddaughter of Captain John Rogers, both of whom state that they never heard of any daughter of said Captain John Rogers by the name of Polly Rogers, and that Cynthia Rogers was his only daughter.

III

The claimants contend that they are residents of the Cherokee Nation, and are relatives of the Dawson family, who are recognized citizens of the Cherokee Nation by blood, are entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the petitioners claim, is not now and has not been a citizen of the Cherokee Nation since the removal west; that his name does not appear on the rolls of the Cherokee Nation, and that he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

The premises considered, in view of the unsettled condition of affairs in the Cherokee Nation at the time when Captain John Rogers, the ancestors through whom these claimants trace their Cherokee blood, lived, and especially in view of the absence of a marriage law and of records pertaining to marriage, I am of the opinion that these claimants have proved that they are descended from Capt. John Rogers, who resided in the Cherokee Nation, and was a recognized citizen, though they do not show that he was ever enrolled as such, and I therefore find that the claimants are all residents of the Cherokee Nation, Indian Territory, and that they are all Cherokee Indians by blood. That they have resided in the Cherokee Nation since 1837, and probably longer, though the proof does not state definitely how long they have so resided.

I ask that the Court allow me a reasonable fee for my services herein as Special Master.

Respectfully submitted this 10 day of August, 1897.

(Signed) H. A. Gibson,
SPECIAL MASTER.

By Fee paid.

No Exceptions filed."

BY THE COURT.

From this report it appears that the claimants base their right to be enrolled as citizens of the Cherokee Nation upon the grounds that they are the descendants of a Cherokee Indian by blood, but their ancestors through whom they claim have never resided in the Cherokee Nation as now constituted. It appears that they have resided in the Cherokee Nation since 1837, and probably longer, though the proof does not state definitely how long they have so resided. It does not appear that the applicants or any of their ancestors have ever been recognized as members of the Cherokee Nation.

The judgment of the United States Commission rejecting this case is affirmed, and the application of the claimants

to be enrolled as citizens of the Cherokee Nation is denied."

Indorsed on back: "90 Joanna Barber et al vs Cherokee Nation, Final Report of Special Master, Filed August 17, 1897, Jas A. Finston, Clerk."

Forgoing papers in Joanna Barber case enclosed in jacket indorsed: "90 Joanna Barber et Vs Cherokee Nation."

"NOTICE.

1890

UNITED STATES OF AMERICA) In the United States Court for
INDIAN TERRITORY (SS said District.
NORTHERN DISTRICT.) In the matter of the application
of Joanna Barber et al to be
enrolled as citizens of the Cherokee Nation.

To the Commission to the Five Civilized Tribes.

You are hereby notified that an appeal has been taken in the matter of the application of Joanna Barber et al to be enrolled as citizens of the Cherokee Nation, from the said Commission, to the United States Court for the Northern District of the Indian Territory, and that your tribunal is requested by said Court to transmit at the earliest time practicable to said Court, at Muskogee, Indian Territory, a transcript of all the entries made in the docket of your tribunal relating to the case, together with the depositions and testimony taken before said tribunal; the decision thereof on the application, and all original papers relating thereto.

Witness the Honorable William H. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, the 23 day of Dec. 1896. A.D. 189--.

(SEAL)

(signed) J. A. Finston, Clerk."

Indorsed: "No. 1864 Joanna Barber et al vs Cherokee Nation, APPEAL ORDER OF U. S. COURT."

Forgoing paper enclosed in jacket marked: "No. 1864."

BY MR. HUTCHINGS:

We now introduce the original record in the citizenship case of Irene J. House, et al., before the Commission in 1890, the court number of same being 238. said case being denied by the Commission; appealed to the United States Court, and the decision of the Commission affirmed.

In this case we desire to call especial attention to the certified copy filed therein of the testimony of Arthur Baker, the certified copy having been made in 1894, being the testimony of Dr. Baker in the case of Robert Dawson against the nation, number 108, before the Citizenship Commission, and which was made January 18, 1892.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The papers in Court No. 238, just introduced above, are as follows:

"Office of Commission on Citizenship,
Cherokee Nation, Tahlequah, January 19, 1882.
No. 108.
Robert Dawson et al } Exhibit C.
vs
Cherokee Nation.

Testimony for Claimants.

Witness, Dr. Arthur Baker sworn testified as follows:

My name is Arthur A. Baker I reside at Berryville Arkansas Carroll County. I am 73 years I am not a Cherokee. I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carroll County some 35 years - At my mother's house near Calhoun I became acquainted with the claimants Robt Dawson grandmother on mother's side she was frequently at my mother's house though she Anna Pruett lived in the Nation side; She claimed to be a half sister to Big Joe Vann, also claimed to be half Cherokee, the first time she brought the claimants mother to my mother's house she the mother's mother was about grown when I was a little boy. She called her daughter Polly Rogers, said Captain John Rogers who ran a boat up the River was the father of the child; I saw the girl frequently there at my mother's and there at Louis Ranges Store.

I saw her occasionally until I was 15 or 16 years of age and I think then Old Capt. John Rogers took her off to school, I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of old Samuel Dawson, I stayed all night there and as and I had a talk over our old matters and I asked her where she became acquainted with Dawson and she said at the time she was going to school and she said after she left school that Dawson followed her home, to the Nation and they were there married. I have told that precisely in the words that she used, Capt John Rogers claimed to be one fourth Cherokee. The claimant is the son of Polly Rogers, and I know Polly Rogers to be the daughter of Anna Pruett and I know the claimant to be the son of Polly Dawson.

Capt. Rogers then reside in the Cherokee Country about twenty (word "twenty" marked through) twelve miles below Calhoun on the Mivasssee River Anna Pruett resided in the Cherokee Nation as long as I stayed there the Dawson when I got acquainted with them Arkansas were recognized where they were as Cherokees. Robert Dawson children is Buck, John, Marian and two girls, The children named in the petition I recognized as being the claimants.

Question by Solicitor:

- Q. 1 How many children did Polly Rogers have?
A. 1 Five I think that's all.
Q. 2 Did you say something about some one being married twice?
A. 2 The claimant was married twice.
Q. 3 Could Anna Pruett speak Cherokee?
A. 3 Yes, she could speak it well.

Ques 4 Did Polly Rogers marry a Cherokee?

Ans. 4 She did when she was young.

Ques 5 How far did you live from Anna Pruet?

Ans. 5 Just across the river about 3/4 of a mile.

Ques 6 Was Calhoun in the Cherokee Nation?

Ans. 6 It was on both sides of the river part in the Nation and part out in the state.

Ques 7 Which Harnage was it went to Texas?

Ans. 7 George went first, then John went, they were the sons of old Sam Harnage, that lived up near the line.

Ques 8 Did the claimant go to Texas?

Ans. 8 No the claimant did not go to Texas.

Ques 9 What connection was claimant and Polly Rogers?

Ans. 9 The claimant is the son of Polly Rogers.

Ques 10 Where does claimant now live?

Ans. 10 He lives in Carroll Co Arkansas.

Ques 11 Do you know what relation old Capt John Rogers was to

Charles Rogers here in Coowasee county?

Ans. 11 They claimed kin but what kin I dont know there were two Capt John Rogers in the Nation I am speaking of the time when I first came to this country about the year 1830.

Ques 12 Was Anna Pruet the maiden name of claimants grandmother

Ans. 12 Yes that was her maiden name the Indian called her

Sinea

(signed) Arthur X Baker
mark

Witness hand paralyzed is the reason why he signed by a mark thus x

I R T Hanks Assistant Executive Secretary do hereby certify that the foregoing document is a true and correct of the original as appears of record in the Executive Department of the Cherokee Nation.

Given under my hand and the seal of the Cherokee Nation on this the 5th day of December 1894.

(seal) (signed) R. T. Hanks,
Asst Exec Sec.

"To the Honorable the Dawes Commission on Citizenship in the Five Civilized Tribes in the Indian Territory:

Your petitioner, Irene J. House, undersigned, respectfully states that she is a Cherokee Indian by blood, as asks to be enrolled as a member of the Cherokee Nation of Indians in the Indian Territory. That she derives her said Indian blood from Joannah Barber her mother, who is a Cherokee Indian by blood. The said Joannah Barber being a daughter of Elizabeth Petty who was the daughter of Polly Rogers and Samuel Dawson, the said Polly Rogers being the daughter of Captain John Rogers and Anna (also Yahn) Pruet, Cherokee Indians, as shown by a certified copy of the affidavit of Dr. Arthur A. Baker, which is hereto attached as Exhibit A also affidavits marked exhibits B- C- D- and E.

Your petitioner states the above facts as the lawful grounds for her application for citizenship in the Cherokee

Nation, and prays that her claim may be fully investigated by your Honorable Commission and that she be adjudged to be a citizen of said Cherokee Nation of Indians and entitled to all the rights and privileges pertaining to such citizenship in accordance with the laws and treaties with said Nation of Indians.

My age is 34 years; My Post Office address is Talala, Ind. Ter. My family consists of the following named persons: My husband and children as follows: W. J. House, aged 34 years; Shas. C. House, aged 9 years; Vinson T. House, aged 3 years, Amy W. House, aged 5 years.

WITNESS my hand this 19 day of August 1896.

(signed) Irene J. House.

Northern Judicial
District, Ind. Ter.

SS.

Personally appeared before me, the undersigned authority, Irene J. House, to me known to be the petitioner in the above petition, who being by me first duly sworn upon her oath says that she is the petitioner in the above petition, that she has read (or heard read) the said petition and that the facts stated therein are true, as she verily believes.

(signed) Irene J. House.

Subscribed and sworn to before me at Talala, Ind. Ter. this 19 day of August A.D. 1896.

(signed) J. Barricklaw,

Notary Public, My Commission expires
June 3 1899.

(seal)

"Exhibit A.

Northern Judicial Division,

Indian Territory.

Joannah Barber being duly sworn according to law, on oath states my name is Joannah Barber I am 61 sixty one years old My Post office address is Watova Ind Ter- My husband occupation is farmer I am a Cherokee in Coover's Cove Dist I am a Cherokee Indian by blood my mother being Elizabeth Petty (nee Dawson) Daughter of Samuel Dawson and Polly Dawson (nee Rogers) and said Polly Rogers is a daughter of Capt Rogers and Anna Vann (commonly called Alsey Vann) the following Irene J. House is my daughter; she was born in Williamson County, Texas May 13" 1863, moved with her husband children to the Indian Territory and settled near Talala I Territory

(signed) Joannah Barber

Subscribed and sworn to before me this 19 day of Aug. 1896.

(signed) J. Barricklaw,

Notary Public, My Commission expires
June 3 1899

(seal)

"EXHIBIT B.

Indian Territory,

Northern Judicial District ss.

P. H. Dawson being duly sworn according to law deposes and says:

My name is F. H. Dawson; I am 54 years of age; my post office address is Afton Indian Territory. I am a farmer by occupation and reside in the Cherokee Nation.

I am a recognized Cherokee citizen by blood. I was born in Carroll County Arkansas near Berryville. I derived my Cherokee Indian blood from my grandmother whose maiden name was Polly Rogers through my father Robert Dawson, my grandfather Polly Rogers was a Cherokee Indian and was married to Samuel Dawson my grand father in the old Cherokee Nation in Tennessee. My grand parents Samuel Dawson and his wife Polly came west from the Old Cherokee Country in about 1838 and settled in Western Arkansas and later came on to the Indian Territory and the father of this affiant Robert Dawson and family settled in the Cherokee Nation, Indian Territory, Robert Dawson, the father of the affiant was also a recognized citizen of the present Cherokee Nation by reason of his Cherokee Indian blood.

The said Robert Dawson father of this affiant and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of said Samuel Dawson and his wife Polly Dawson whose maiden name was Polly Rogers. The said Elizabeth Petty was the mother of Joanna Barber who is a full cousin by blood of this affiant in the Indian side. The said Joanna Barber is the mother of Irene J. House nee Barber who is a second cousin of this affiant in the Indian side.

This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians by blood and drew their per capita money all the last payment; said citizens and relatives derived their Indian blood from the same source that the above named Irene J. House, derives her Indian blood and right.

This statement I have made to John H. Koogler, a Notary Public at Muskogee Indian Territory and it has been written down by him at my dictation. Such part of this testimony which refers to matters occurring previous to my recollection I know by means of family history and traditions which facts I have always been taught and told of by my parents and grand parents from childhood up, to facts stated as occurring since my childhood I know of my personal knowledge. Affiant further states that he is not personally interested in the prosecution of the application of said Irene J. House for citizenship in the Cherokee Nation.

(signed) F. H. Dawson."

"Indian Territory,
Northern District.

I John H. Koogler, hereby certify that the annexed and foregoing statement and affidavit was dictated to me by F. H. Dawson and was subscribed and sworn to by him and was written by me from his oral statement at my office in Muskogee Indian Territory this 14 day of August 1898, and I further certify that the said F. H. Dawson is personally known to me and that he is a creditable person and entitled to belief.

(seal)

(signed) John H. Koogler,
Notary Public."

Northern Judicial District,
Indian Territory.

EXHIBIT D.

E. Dawson, being duly sworn according to law on oath states: My name is E. Dawson; I am 61 years old; my post office address is Talala, Ind. Ter. I am a Farmer by Occupation, and reside in Cooweescoowee District- Cherokee Nation. I am a recognized Cherokee Indian by blood, and exercise all the rights and immunities of a Cherokee Citizen now living in the present Cherokee Nation. I was born in Carroll County Arkansas near Berryville. I derived my Cherokee Indian blood from my Grandmother Polly Rogers through my father, Robert Dawson. My Grandmother Polly Rogers was a Cherokee Indian and was married to my grandfather Samuel Dawson in the old Cherokee Nation in Tennessee. My Grand Parents, Samuel Dawson and his wife Polly Dawson whose maiden name was Polly Roger came West from the Old Cherokee Country in about the year 1832, and settled in Western Arkansas, and later came on to the Cherokee Nation. My father Robert Dawson was a recognized member of the Cherokee Nation when he died, by reason of his Cherokee Indian blood.

The said Robert Dawson, the father of this affiant, and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of the said Samuel Dawson and Polly Dawson his wife she being the same Polly Rogers as aforesaid. The said Elizabeth Petty was the mother of Joannah Barber who is a full cousin by blood of this affiant on the Indian side, the said Joannah Barber is the mother of Irena J. House, whose maiden name was Irena J. Barber and a second cousin of this affiant on the Cherokee Indian side. This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians of the present Cherokee Nation and exercise all the rights and privileges of such Cherokee citizens, they having drawn their shares of the Strip Money at the last per capita payment made by the Cherokee Nation.

Said citizens and relatives derived their Cherokee Indian blood from the same source, as did the above named Irena J. House.

I have made this statement before J. Barricklaw, Notary Public at Talala, Ind. Ter, and affiant further states that he has no personal interest in the prosecution of the claim for citizenship in the Cherokee Nation of the said Irena J. House.

That the above facts which are within the personal knowledge of the affiant or within his years of discretion he knows personally, and the other facts which occurred before the recollection of affiant he testifies to from what he has been taught from his family history and traditions.

That the relationship existing among all his people in the Cherokee Nation he knows from his personal knowledge and that they are related to the Cherokee Indian side.

(signed) E. Dawson.

Subscribed and sworn to before me this 19 day of August 1896

(signed) J. Barricklaw,

Notary Public, My Commission expires June 3, 1899.
(seal). Notary Public.

Cherokee Nation,
Muskogee District.

EXHIBIT E.

Before me the undersigned authority this day, personally appeared W. A. Dawson who is to me well and personally acquainted, and after being duly sworn, deposes and says, that he is well acquainted with Irene J. House and knows she is a Cherokee Indian, and that he knows she is the daughter of Joana Barber, who is a niece of Robt. & James Dawson, who are both Cherokee Indians and recognized citizens of the Cherokee Nation.

Affiant further states that Irene House is the grand daughter of Mrs. Petty, who was a full sister of Robt & James Dawson.

Affiant further says that he knows that Irene House is a lineal descendant of Annie Dawson whose children (line drawn through word "children") persons, Robt & James before spoken are recognized citizens.

Affiant further says he has no interest in this suit.
(signed) W. A. Dawson.

Sworn and subscribed to before me this 17 day of August 1890.
(signed) William Lynch

Notary Public.

(Seal) My term expires Feb 6 1900."

Forgoing indorsed on cover as follows:

"No: 3099 5464 Before the Dawes Commission on Citizenship in the Five Tribes. Irene J. House V.S. The Cherokee Nation. Petition and Proof, Will E. Linton, for Petitioner. Filed Sept 8 1896 A. S. McKennon, Com'r. Denied. Filed Feb 26 1897 Jas A. Winston clerk."

"Received of M. H. Jacoway, jr., Secretary to the Commission to the Five Civilized Tribes the original papers in the cause of vs. Nation, as follows..... Witness my hand and of legal seal at Muskogee this the 26 day of Feb' 1897 J. A. Winston, Clerk."
(Seal)"

Indorsed: "Court No. 238 No. 5464 Receipt for original papers in the case of Irene J. House vs. Cherokee Nation, Received and filed this day of 189...."

"Irene J. House et al,
vs. No. 238
Cherokee Nation.

Mr. N. A. Gibson, Special Master to whom this case was referred, submits the following report: (Insert report)

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY.

NORTHERN DISTRICT AT MUSCOGEE.

IRENE J. HOUSE ET AL

VS

238 REPORT OF SPECIAL MASTER.

THE CHEROKEE NATION.

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I, N. A. Gibson, Special Master herein, show to the Court that under the general order herein, I have examined the proof and pleadings on file in this case which are made a part of this report, and that I find as follows:-

I

That this case is in reality a branch of Case No. 90, Joanna Barber vs Cherokee Nation, the principal claimant herein being Irene J. House a daughter of Joanna Barber.

That this cause was instituted on September 8, 1896 at which time application was made to the Commission to the Five Civilized Tribes for citizenship by blood in the Cherokee Nation.

That this case was tried by the said Commission on November 24, 1896 and the applicants denied, no reasons being given for the decision, and that on January 20, 1897, the parties appealed from said decision to this Court.

That this application was made by Irene J. House, her husband, W. J. House, and their children Chas., C. Winston T., and Henry W. House. That they file in support of their application the affidavits of Joanna Barber, F. M. Dawson, Arthur A. Baker, E. Dawson, and W. A. Dawson. That these Dawson witnesses are citizens by blood of the Cherokee Nation, and state that they are related by blood to the claimants herein on the Cherokee side. The claimants base their contention of a right to Cherokee citizenship upon the fact that the claimant Irene J. House is the daughter of Joanna Barber, who is the daughter of Elizabeth Pety, who was the daughter of

Polly Rogers, and that Polly Rogers was the daughter of Captain John Rogers and Ailsey Vann, who were recognized Cherokee citizens by blood. That the testimony shows that this Dawson family are recognized citizens of the Cherokee Nation, and that the claimants herein are cousins by blood upon the Indian side, and that they all claim through a common ancestor, Polly Rogers and Captain John Rogers and Ailsey Vann, who were all recognized Cherokee Indians.

II

The appellee introduces in defense the record of the application of these claimants to the Cherokee Commission on citizenship in the year 1897, and the record of the rejection of the claimants, and further the affidavits of W. J. Rogers, and Mrs. Sarah Carter, a grand daughter both of whom state that they never heard of any daughter of Captain John Rogers by the name of Polly Rogers, and that he had only one daughter, whose name was Cynthia.

III

The claimants contend that they are residents of the Cherokee Nation and are relatives of the Dawsons, who are

recognized citizens of the Cherokee Nation by blood, are entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the petitioners claim, is not now and has not been a citizen of the Cherokee Nation since the removal west. That his name does not appear on the rolls of the Nation, and that neither he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

IV

The premises considered, I find that the claimants are the descendants of Captain John Rogers, and that it was entirely possible that in the condition of affairs at that early date in the Cherokee Nation, especially owing to the absence of a marriage law and of records pertaining to marriage, that these claimants should be the descendants of Captain John Rogers by a daughter, Polly Rogers, of whom the affiants for the appellee may never have heard.

I find that the claimants are residents of the Cherokee Nation, Indian Territory, where they have resided since 1887, and that they are Cherokee Indians by blood.

I ask that the Court allow me a reasonable fee for my services herein as Special Master.

Respectfully submitted, this 9 day of Nov 1897.

(signed) H. A. Gibson,
Special Master.

My fee paid,
No Exceptions filed."

Foregoing papers indorsed on cover as follows: "238, Irene J. House et al V Cherokee Nation Final Report of Special Master, Filed Nov 10 1897 Jas A. Winston, Clerk."

Foregoing papers enclosed in jacket indorsed as follows: "238, Irene J. House, et al vs. Cherokee Nation."

BY MR. HUTCHINGS:

"Well we close for the present.

TESTIMONY INTRODUCED ON BEHALF OF THE APPLICANTS:

D. W. C. DUNCAN, being first duly sworn, and being examined, testified as follows:

BY MR. HICKENHON:

- Q Please state your name, age and residence? A My name is D. W. C. Duncan, my age is 72 years, my residence, Vinita, Indian Territory.
- Q Are you a duly recognized citizen of the Cherokee Nation by blood? A I am.
- Q You gave testimony in this case once before did you not, before the Dawes Commission? A I did.
- Q Before this Commission I will say, this Commission? A The Dawes Commission? A Why I don't recollect who the Commissioner was, that was taken at Vinita, ex parte.
- Q Were you in any way connected with the Cherokee Citizenship Commission in 1883 known as the "Tehee Commission"? A I was Clerk of that Commission.

Q For what length of time? A I don't recollect the exact length of time, I think it was about thirty days, during the continuance of that Commission, existence of that Commission.

Q You were the only clerk it had during its existence were you?

A I think I was.

Q You were Clerk of that Commission when it rendered a decision in favor of Robert Dawson et al., as found on page 114, of its record, numbered 108 (witness examines record referred to.) now in the possession of this Commission? A I was.

Q The members of that Commission were the same as shown by the signatures to this judgment were they? A The same, yes, sir.

Q Thomas Teebe, President of the Commission, Alex Wolfe and T. F. Thompson, Commissioners, that is correct, is it? A That's correct.

Q Were you present when this case was under consideration by that Commission and when it rendered this judgment in the case? A I was.

Q Were you at that time acquainted with F. M. Dawson, or only called "Red Dawson", Garibell Taylor and Samuel H. Bengé, who were attorneys, who were Cherokee attorneys at that time? A I might say that I barely knew Mr. Dawson; all I know of him was I saw him there as a party to the suit. I knew Mr. Taylor and Mr. Bengé more extensively; I have known them a number of years.

Q They were recognized Cherokee citizens were they? A They were.

Q Was Taylor not known generally as a Citizenship Attorney?

A I think he was.

Q Do you remember seeing him and Bengé present at the time this case was under consideration by the Court? A Why I do not recollect seeing Mr. Bengé, I cannot recollect, but I can recollect of seeing Mr. Taylor about the Court room now and then.

Q Do you know who submitted the case to the Court for the applicants? A Let me understand the meaning of that; who brought the case?

Q Who called up the case? A No, I don't recollect.

Q Do you remember whether that Commission rendered any other decision than that found upon this record in that case? A I never had any knowledge only but one decision.

Q Was that in favor of or against the applicants? A It was in favor of them; I will say this: that if there was another decision other than the one that appears on the docket now before you, I have no recollection of it.

Q The only decision you have any knowledge of was recorded by you in this book as here shown was it not? A That is the only one that I have any knowledge of.

Q Did Red Dawson pay you any money in connection with that case?

A He did not.

Q Did he ever promise to pay you any money for your influence with the Court in that case? A Never.

Q Did he pay you any money, either directly or through any other person? A For my influence in that case?

Q Yes, sir? A Never.

Q Did you have any knowledge of his having paid to the Court or to any member of the Court any money for the purpose of influencing their judgment in that case? A None whatever.

Q Did you have opportunity of observing his conduct during that Court at the time? A The only opportunity that I had was during the session of the Commission; I saw but very little of him during the recesses of the Commission; now and then I would see him in passing.

Q Did you see anything in his conduct toward that Court which indicated that he had used undue influence in procuring that judg-

Went? A I never observed anything of the kind; nothing that awakened a suspicion in my mind that he was engaged in that kind of practice.

Q Did Campbell Taylor at any time after the rendition of that judgment pay to you any money as coming through him from Bud Dawson for any services which you had rendered to him in that case?

A Yes, he paid me some.

Q What amount? A My recollection is that, I think it was a twenty dollar bill. I don't know but I had better go and state the transaction, all about it.

Q Yes, sir. A Mr. Dawson, Bud Dawson, during the trial of the case occasionally applied to me at my desk for writing paper, issue of a subpoena or transcript, something of that kind; I always treated him with courtesy and proper official consideration. He seemed to appreciate it, and whenever I did services of that kind to him, says he, I have no money, Mr. Duncan, but I feel as I ought to pay you. I told him I made no charges for work of that kind. And in passing I might state that I never received a cent for any kind of that work which I had been in the habit of doing for various parties before the Court.

After his trial was concluded, in the afternoon a little while before supper time I went to my hotel, The National Brick Hotel in Tallahassee; went to my room, felt a little tired, laid down upon the bed to rest. I recollect Mr. Duncan stepped into the room, drew a chair up to the bedside and sat down and commenced giving expression to his gratification at the success of his case, dwelling mostly upon the testimony in the case being so satisfactorily, establishing his Cherokee blood, and that he thought that he was entitled and that he had received justice by the Court. I listened to him, and we talked there I guess some ten or fifteen minutes; after a little he says, I must go to-morrow, I think he says to-morrow, I must go home, - he then lived down in Arkansas somewhere. Says he, Mr. Duncan, I believe I owe you something, ought to pay you something. Alluding, as I understood, to these little courtesies that I extended to him at my desk. Says I, I make no charges, Mr. Dawson, for services; if I have done you any good you are welcome. Well, says he, I feel indebted to you, I ought to pay you. I says, that makes no difference; I will leave that to you. Says he, I have hardly enough money to get back home. He shook my hand, and the last word he says to me, you shan't lose anything for your kindness to me; I thought he had reference to my services at the desk. That was the last I saw of Mr. Dawson, oh it must have been a year afterwards; I had located a little claim on the public domain up there in Delaware District, staked off what I intended to be a farm, merely stakes, I didn't make any other improvements, over there on Horse Creek. Went over in that part of the country to look after my claim, and I ran across Mr. Dawson, he had come into the country and located and built him a little shanty and was living in it; I called upon him, he was very glad to see me; I asked him what he was doing there; he said he had moved into the country, and I told him, says I, you are encroaching upon me here; he had spread his claim over part of mine, mine had been made so long it was outlived under Cherokee law. Well, says Mr. Dawson, I don't feel like doing you any wrong, I will pay you for your claim, and we will settle the matter in that way, that he as soon as he got his little matters together that he would satisfy me for it. Well we parted at that point. It ran on then for a long time, I don't know how long, - I think I met him in Vinita, and says he, did Camp Taylor pay you any money that I sent to you? Says I, No, I have not seen Camp Taylor.

Well, says he, I gave him some money and told him to hand it to you for me, and, says he, you ask him and he will hand it over, so you I guess. Well we parted then. Well, went on for some time, some months; I happened to meet Mr. Taylor in Tahlequah; I met him on the street I think, jocularly I slapped my hand on his shoulder, says I, look here, did Mr. Dawson any money to me by you? He says, yes, and he pulled out what I recollect to be a twenty dollar bill, and handed it to me; I received it, and I received it with the idea that he was compensating me for taking my claim, or possibly for doing him those little services in the Court. Now that is the sum and substance of the whole thing.

Q Was not that twenty-five dollars, Mr. Duncan? A It might possibly have been, my recollection does not serve me exactly, it might have been 25 dollars.

Q Did Campbell Taylor pay you any other money as coming from Bud Dawson? A Never a cent.

Q Did he at one time pay you fifty dollars out of a hundred dollars which he had received from Mr. Dawson? A Never.

Q Did he on a second occasion pay you fifty dollars out of one hundred dollars which he claimed to have received from Mr. Dawson? A None at all.

Q He paid you no other money than that you have already stated, from Mr. Dawson? A Not a cent.

BY MR. McKENNON: We offer in evidence the judgment of the Cherokee Citizenship Commission before referred to, and ask that

it be filed in evidence in the case of every application made by members of the Robert Dawson family who claim under it, or through Robert Dawson, as citizens of the Cherokee Nation, said judgment being found on page 114, Records of the Tehee Court, 1880 to 1884, case number 108, judgment dated January 11th, 1883, signed by Thomas Tehee, President, Alex Wolfe, T. F. Thompson, Commissioners. D. W. C. Duncan, Clerk Commission.

The said judgment just introduced is as follows:

"Office Commission on Citizenship,
Tahlequah, C. N., September 24th, 1881.
No. 108

Robt Dawson,
Elbert Dawson,
Jasper Dawson,
John Dawson,
Josephine Dawson,
Joseph Dawson,
Jane Dawson,
Molly Dawson,
Wilbron Dawson,
James Dawson,
Pial Dawson,
vs.

Petition for Citizenship

Cherokee Nation.

Continued by the Plaintiff, Oct. 5, 1881.

January 13th, 1882.

The above case continued by the Cherokee Nation till Sept.

term. Agreed by the parties that the above shall not be taken up for final disposition before the 4th day of Oct, 1882, October 4th, 1882.

It is agreed by the parties that this shall be finally disposed of at the next January term if the claimant is present demanding the same, if not, the case shall be then continued to the September term, 1883.

On this agreement Commission continued the case till the next January term to-wit, January 1883.

And now this the 11th day of January A.D. 1883 this case coming on for final hearing, and all the evidence produced in the case being carefully read and duly considered by the Commission it was adjudged and determined by the Commission on citizenship that the claimants, Robert Dawson, F. H. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Joseph H. Dawson, Joseph D. Dawson, Jane Dawson, Holly Dawson, Wilbron Dawson, Jared Dawson, and Rial Dawson, are Cherokees by blood; that they are entitled to all the rights and privileges of Cherokee citizenship within the Cherokee Nation, and that they should be, and they are, hereby admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

(Signed) Thos. Tches,

President of Court.

D. W. C. Duncan,

Clerk of Commission.

Alex Wolfe,

T. P. Thompson,

} Commission,
ers.

Transcript handed to claimants, January 11th, 1883,

(Signed) D. W. C. Duncan, Clerk.

Marginal Note: "Case submitted by claimant January 11th 1883. Case submitted by Solicitor January 11th, 1883."

Q Do you remember how many members of the Court were present when this judgment was rendered, or were all of them? A My recollection upon that point is not positive, but taking my statement upon what I know to be the practice of the Court at the time, seeing the names of all these Commissioners there, I can say with a great deal of positiveness that they were all present, because I never signed the name of one of the Commissioners unless he was present, assenting to it or directing it.

Q The rendition of that judgment then was concurred in by all of the three judges? A It was.

Q Mr. Duncan, if there had been a decision rendered the day before in this case while the Court was in session, adverse to those claimants, would you have known it? A I certainly should have known it.

Q Was there any such decision of the Court? A None to my knowledge. I can say positively there was not.

Q How many of those judges are now living? A Only one.

Q Whom? A Mr. Thompson.

Q Tches and Wolfe are dead? A Tches and Wolfe are dead.

Q How long have they been dead, do you know? A I do not know, quite a number of years. I wasn't living there, never lived near them when their death occurred, and their death occurred perhaps a long time before I got knowledge of it. It is generally understood that they are dead.

Q. Do you recollect to have seen any other copy of the document fully about the court at that time than the one I have been thinking of, and I can't call to mind that I ever saw any other in an exact form, until after they have been made subsequent to the rendition of the judgment.

A. At this point a party who has been sitting in the room in which the examination is being held, is called forward, sworn on behalf of applicants, and asked to retire until called.

BY MR. HATCHINGS:

Q. Mr. Duncan, when did you become clerk of the Texas Commission Court? A. It must have been somewhere in December, 1934, at the time the Commission was organized immediately at the close of the Council in which they were appointed.

Q. December 1934? A. I think so.

Q. What are you doing, reading judgments here in your handwriting in 1934? A. The Commission held its Court after they were elected sometime.

Q. The Court was elected in 1934, wasn't it? A. Well, I up to the time, I don't pretend to say when the Court was elected, I don't have said at the time I was chosen clerk, I was chosen clerk just at the close of the session of the National Council of that year.

Q. 1934? A. I think it was '34.

Q. You entered at this judgment rendered January, 1935? A. Yes, that was the session of the Commission.

Q. That was before you were clerk of it? A. Well I held my clerkship for some time before I was continuously.

Q. Well but then you go on to say that you were their clerk when the Dallas case was handed out. A. Yes, I don't mean to say that.

Q. How could you be clerk when the Dallas case was handed out in 1935 when you were not elected until 1934? A. I am mistaken in that, '34 comes after '35, it was the year preceding 1935, it must have been '34.

Q. Your first entry in the Docket book is January 13, 1935, isn't it? A. I don't recollect what my first entry was. (Attorney shows the record to witness) Yes, that is the entry there on that day.

Q. And that was shortly after you became clerk, wasn't it? A. Yes, shortly after I became clerk.

Q. The case had been entered upon the docket before you became clerk? A. I think so, yes. It was entered at the previous term of the session of the Commission.

Q. In whose handwriting were the names of the three Commissioners signed to that judgment? A. Dawson Judrant?

(Attorney shows record to witness, again) A. That is my handwriting.

Q. All three names? A. All three names.

Q. The record there shows that you immediately gave them that day a transcript of the judgment, do you know who signed that? A. Signed the transcript?

Q. Yes, sir. A. I do not recollect now, this is, did the writing?

Q. Signed the names to it? A. Yes, that's it.

Q. You always signed the names of Tshoe and Wolfe didn't you?

A. I think I did pretty generally; I don't know of their attempting to write their own names.

Q. When Mr. Thompson was there didn't he sign his own name? A. Sometimes he did, sometimes he simply authorized me to do it.

Q. Have you any recollection of who authorized you to do it except from the fact that you have done it on that record frequently?

A. I don't recall the parties for literal fact of authorization, but I can say positively that, consulting the record, that he authorized me to put his name there.

POOR ORIGINAL -
BEST AVAILABLE COPY

Q Will you look at the original transcript heroby shown you and refer to it in the judgment and say who signed the name of the commissioners there? A (Papers shown to witness) A I signed them there.

Q You recognize that as your handwriting? A I do.

Q What made you when you were testifying at Vinita before Mr. Martin, on looking at the said signatures, and being cross-examined by me, say that it was not your signature and that the signature thereto attached was the signature of Mr. Thompson? A Occurred in this way: I had not seen any of the records in the case for about nineteen years. The exact transaction in the court had vanished about entirely from my memory; I recollected at that time, however, when I gave in my testimony before the commissioner, Martin, that that was a practice of the Court at the time I served by which I signed the name of the full-blood members of the commission, and Mr. Thompson either uniformly or occasionally signed his own name. I based my statement in that deposition upon my knowledge of the rule or practice in the Court, without comparing the docket and refreshing my memory. I made an incorrect statement when I said that that was not my handwriting; I am convinced now that it is my handwriting. That is the way it occurred, the way it happened.

Q Then you consider your recollection of the fact that Thompson when he was present and rendering a judgment signed it himself, better than your own knowledge of your own handwriting?

A No, I didn't so regard it. I simply spoke without advisement when I gave in that testimony; I subsequently became better informed and concluded that that was my handwriting, but not entered by Mr. Thompson under the rule, but was one of those cases in which he authorized me to do it myself, and I did it.

Q Then you have changed your testimony, because you think you have a better knowledge of the surrounding facts now than you had then, and not from the fact of your judgment on your handwriting at present? A I simply corrected my testimony in reference to my statement in regard to this handwriting, this case.

Q And you wouldn't know then as I understand you whether or not that is your handwriting if it was not refreshed by what you consider to be exterior facts? A I should know it by examining it, or thinking over the circumstances, I think I should recognize my own handwriting, but if a question should be propounded instantaneously without any advisement or preconsideration I might make a mistake.

Q You did recognize the names of Thomas Tehee and Alexander Wolfe as being in your handwriting at that time? A I was very clear and positive, and so stated, that the names of those Commissioners were in my handwriting, and I was made certain by reflecting on the rule that they never signed their names with their own hand, but always authorized me to do it. Hence there is no question in my mind in regard to my handwriting in their signatures.

Q And then the third one, right under it, as compared with your admitted handwriting, you had to wait and learn the facts afterwards to determine whether that was your signature or not? A No, I don't think that if I had considered the circumstances, I knew that there was a resemblance. What made me of the opinion that that might have been Mr. Thompson's signature was like this: I knew that he had been in the habit of at least sometimes signing his own name, and I was under the impression—and I do not now think I am much deceived—that his orthography bore at least some resemblance to my own, hence I doubted whether I had signed that name or not on that account.

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Q You were asked so much at that time in your testimony as to the fact that you thought it more probable that that was his handwriting and not yours, didn't you? A Mr. Thompson I stated; that that was my handwriting; not if I had to go to ascertain whether I was not mistaken or not, and after as long a time I concluded that I was.

Q And he stated, didn't you, that he always signed the original himself when he was present? A I do not recollect that I stated that I used the word "always", at that time; but at the time I was examined when the deposition was taken by objection that he did, but when I come to recollect and examine the deed I was convinced that I was wrong, that occasionally I signed for him.

Q Then you never took out that your testimony given sometime like a year and a half ago was wrong until you examined the doc at day before yesterday, and compared yours and Thompson's signatures? A I don't know that I have thought of it since that time until yesterday of day before the examining the deed.

Q He is the only recollection that you have got and the only aid to your recollection that Thompson was present when this judgment was rendered was the fact that you saw him and signed to it, in your handwriting, is it? A As a fact, -

Q You can answer that yes or no? A That seeing the handwriting aids my recollection and I recollect now that the commissioners were all present at the time that I signed it. I didn't their names out of court at all.

Q Was it in the forenoon now or in the afternoon? A I don't recollect whether it was in the forenoon or afternoon.

Q In recollecting that they were all present when the record was signed, do you mean to say that they were all present when the judgment was rendered? A Yes, that is, you mean when the question of admission or rejection was voted upon?

A Yes. A They were present.

Q Did you take up the record at the time that they rendered the judgment, or make a memorandum of it, and then write up the judgment some days afterward? A The record was not written up immediately upon the decision of any case, but I wrote up the record after adjournment, generally in the evening, and presented it next day or when the next session was had, for signature; that was the practice.

Q But in this Dawson case you wrote it on the very day that it was rendered didn't you? A I didn't recollect as to that.

Q And gave them a transcript the very day it was rendered?

A I don't recollect as to that.

Q And indicated the giving of the transcript on the bottom of the judgment the day it was rendered? A I should say it was given at the date of the transcript.

Q That was a very unusual thing for you to do in entering up judgments? A To do what?

Q To note on the bottom that you had given a transcript the same day the judgment was rendered? A No, I don't know that there is anything unusual about that.

Q Any other places in that record or more than one in any event that you have ever done that? A I don't recollect, indeed I don't recollect of giving anybody else a transcript.

Q That is what I am getting at; you gave them a transcript and wrote up your judgment and everything right away? A Pretty promptly after the decision; whether it was the same day or the evening, and if not next day, I don't recollect.

IT BEING THE HOUR OF NOON, 12 M., THE COMMISSION
SUSPENDED UNTIL HALF PAST ONE P.M.

ATTESTED, THIS 1-13, 1883, APPEARANCES, SAID AS IN PRE-
SENCE OF D. W. C. HANCOCK, Clerk of the Court,
BY MR. HATCHER:

Q Do you remember what witness was before the Court? A I
don't recollect now relatively except Dr. Baker, I remember his
name because of the length of his testimony at the time it took
to take it.

Q The doctor was about the only distinct witness there was? A He
is the only one now that I can call to mind.

Q There was probably another old doctor that testified was not
there? A I have no recollection to that effect.

Q The case was just decided really on Doctor Baker's testimony,
is about the only one that knew anything about the case? A I
am not certain that Dr. Baker was the only witness; right have been
others that have now escaped my recollection.

Q Doctor Baker's testimony was taken down in writing? A Yes.

Q There was not anybody else taken down in writing was there?
A All the testimony that was accepted in the case was taken down
in writing.

Q Did you ever see anybody's else testimony in writing except
Dr. Baker in that case? A That is not what I recollect, I can't
recollect any other but Dr. Baker's.

Q You know whether that was taken immediately before the trial
or at the trial or how long it? A It was taken in the presence
of the three Commissioners during the session of the Court.

Q You can find out that the case was decided or how? A I do not
recollect whether the case was on trial more than one day, but my
impression is that it was.

Q Do you know whether it was the same term of the Court or not?
A I think it was the same term of the Court.

Q How many terms a year did that Court have? When and how did
they last? A I don't recollect of but serving but one term.

Q Don't recollect the naming but one term? A Yes, it seems
to me so.

Q You didn't go in until January of 1883 did you? Your first
record is a record of about the 17th of January 1882, as shown
on the book, isn't it? A I don't recollect in that regard.

Q How would they take testimony in the case, then continue it, or
how would they generally do about that? A I think they decided on
the case at the term in which they took testimony.

Q Can you say whether or not this testimony was taken in this case
at the time it was decided or at the same term it was decided, or
within a week or two of the time it was decided? A My best recol-
lection is that it was taken at the term in which it was decided;
case was taken up, testimony heard, that the decision was made at
the conclusion of the testimony.

Q Well now, I see on October 4th, 1882, on your handwriting, the
following entry reads: "It is ordered by the parties that this
case shall finally be disposed of at the next January Term." That would
be January, 1883, "If the plaintiff is present demanding the sale,
if not, the case shall be continued to the September term,
1883; or this agreement the Commission continues the case till the
next January term, 1883." Now that I should like to see you had a

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January and a September letter, and this decision was rendered in the January, 1932 term. The Baker's testimony taken during the January, 1932 term, at the time this decision was rendered? A I find it impossible for me to recollect those facts that are recorded there, although I can say about that, that the record shows the correct statement of the facts, but I can't recall those facts.

Q Well, there is a record here that this case was continued on the 15th day of January, 1932, upon agreement that it should be taken upon the 4th day of October, 1932; your record shows that there was nothing done in the case from January 15th, 1932 until October 4th, 1932; would you say that was correct? A I should say it was correct if it so stands on the book; all it designed to be a correct entry of the facts.

Q I will let you see the book for yourself; I don't want to misrepresent you and of it at all. (Shows entry in book to witness.) A I can't recall those facts in regard to the agreement.

Q Who took down the testimony of the witnesses in court? A I took it down.

Q You took down the testimony of Dr. Baker? A Yes.

Q He was cross-examined by counsel for the Nation? A As to that I don't recollect, he was present, he was always present; I think likely he was cross-examined.

Q And that testimony was taken at or near the time when the judgment was rendered in January, 1932? A I think it was, by impression is to that effect.

Q Well the court seems to have had no session as to this case from January 15, 1932 up to October 4th, 1932, according to the record? A (No response.)

Q You don't recall taking down anybody's else testimony in the case? A No sir, I don't.

Q And the probability is that he was the only witness examined isn't he? A It might have been so, by recollection is that he was regarded as the main witness of the case.

Q He was quite an old man, about 73 at that time? A Yes, he was quite old.

BY MR. MCKENNON:

Q The testimony of Dr. Arthur Baker, from this record, appears to have been taken January 15th, 1932; is that correct as far as you may know, or are able to state? A Is that Dr. Baker's testimony?

(Attorney here shows witness papers) A It appears to be, yes; I don't think that was the testimony that the case was decided upon, because his testimony was taken orally before the Commission, and I wrote it down; please let me see it. (Attorney hands said papers to witness.)

A Well, all I know about this is as I stated before, I can't recall those facts, but whatever the record says why I say that the record was made correct, according to the fact. (Witness takes copy of the testimony referred to to refresh his memory.) I don't succeed in reading them very clearly to my own understanding, but I gather from the subject matter in that testimony that it is in accord with Doctor Baker's statement; in exactly word for word I'm not able to say, but that is the tenor of the testimony.

BY MR. HUTCHINGS:

Q In taking the testimony you endeavored to get down all the material facts that you could in taking it in long hand? A Yes, very nearly word for word, as I could read it, so that there was a little variation made necessary by the length of the witness' statement.

BY MR. McKENNON: Applicants object to all of the witness' testimony relating to the method of taking the testimony of witnesses at the trial, the character and effect of that testimony, and the number of witnesses, except so far as the same may be used for the purpose of testing the memory of the witness, because the same is incompetent, irrelevant and immaterial.

B. F. FORTNER, being first duly sworn, and being examined testified as follows:

BY MR. McKENNON:

- Q What is your name? A B. F. Fortner.
Q What is your age? A 54.
Q You are a physician are you not? A I am.
Q Where do you reside? A Vinita, Indian Territory.
Q Do you hold any official position in your position? A Yes, I am President of the National Board of Health, Cherokee National Board of Health, and member of the Legislative Commissions of the Indian Territory and of the American Medical Association, those are some, and the most important positions I hold at this time.
Q Are you a Cherokee citizen? A I am.
Q By blood or intermarriage? A Intermarriage.
Q Your wife is a citizen? A Yes, sir.
Q Do you know D. W. C. Duncan? A I do.
Q How long have you known him? A About twelve or fifteen years, about twelve years I should say.
Q Do you know his general reputation in the community where he resides for honesty and uprightness of character? A I do, I think.
Q Is that good or bad? A It is good.
Q Do you know Campbell Taylor? A I do.
Q How long have you known him? A About six or eight years, don't know exactly how long; known of him for ten years and personally I have known him about six or eight years.
Q Do you know his general reputation for truth and veracity? A I do.
Q Is that good or bad? A It is bad.

BY MR. HASTINGS:

- Q Mr. Du can belongs to the same church you belong to? A Yes, sir.
Q And has for a number of years? A Well now I say I think he does; I have always so understood.
Q Don't keep up with all your members? A No, but he has attended church there and my impression has been that he is a member of the church.
Q You didn't have any business before the Citizenship Court of which he was clerk, did you? A No, sir, not that I know of.
Q You was not at Tahlequah while he was clerk of a Court from 1882 to '3? A I don't believe I was.
Q Never had any business before that Court? A Had no business before then, not while he was clerk to my knowledge.

BY MR. McKENNON:

- Q You spoke of his membership in the church; he is in good standing as a member of the church is he? A Yes, sir.
Q I will ask you if Campbell Taylor's reputation isn't notoriously bad? A Yes, I have so understood it.

BY MR. HASTINGS:

- Q I will ask you if it was notoriously bad in 1882, when these people employed him to represent them before the Court? A That was before my knowledge of him.

Q But so far as you know his bad reputation dates back so far as you know him? A So far as I know him.

G. W. MILLER, being duly sworn and being examined, testified as follows:

BY MR. HICKENHORN:

Q What is your name? A G. W. Miller.
Q What is your age, Mr. Miller? A 41.
Q Where do you reside? A Vinita.
Q How long have you lived there? A Well I have lived there altogether about 13 years I guess, or 14.
Q Are you a citizen of the Cherokee Nation? A No, sir.
Q What is your business? A Real estate and insurance agent.
Q Do you know D. V. C. Duncan? A Yes, sir.
Q How long have you known him? A I have known him twenty years.
Q Do you know his general reputation for honesty and uprightness of character where he lives? A Yes, sir.
Q Is that good or bad? A It is good, so far as I know.
Q Do you know Campbell Taylor? A Yes, sir.
Q How long have you known him? A Well I have known him 13 or 20 years, I guess.

Q Do you know his general reputation for truth and honesty? A Well yes.

Q Is that good or bad? A Well, it is bad, I think.

ATTORNEYS FOR CHEROKEE NATION waive cross examination.

V. E. CURTIS, being first duly sworn and being examined testified as follows:

BY MR. HICKENHORN:

Q What is your name? A V. E. Curtis.
Q How old are you, Mr. Curtis? A 56.
Q Where do you reside? A Afton, Indian Territory.
Q How long have you lived in the Indian Territory? A 20 years.
Q What is your business? A Lumber business.
Q Do you know D. V. C. Duncan? A I do.
Q How long have you known him? A About 20 years.
Q You know his general reputation for honesty and uprightness of character in the community where he lives? A I do.
Q Is that good or bad? A As good as any man's.
Q Do you know Campbell Taylor? A I do.
Q How long have you known him? A Some 20 years, I suppose.
Q Do you know his general reputation for truth and integrity and honesty? A Yes sir.

Q Is that good or bad? A Bad.

Q Is it notoriously bad? A Yes.

Q Did you ever know Dr. Baker, Dr. A. B. Baker, of Berryville, Arkansas? A Yes sir, I know him in '88 and '89.

Q Where? A Over at Berryville; I ran a saw mill in that country at Berryville.

Q Did you know his general reputation so far as honesty and uprightness of character and truthfulness? A Yes sir.

Q Is that good or bad? A Good sir, good as any man's; he is a good Christian gentleman.

Q Did you know him well enough to know his habits of life? A Yes sir.

Q Was he in the habit of taking liquor, drinking liquor? A Not that I know, of sir, I never saw him take a drink in my life.

Q Was his character such as to preclude any such charge against him? A It was, yes sir.

BY MR. KURCHINOS:

Q How long did you know Dr. Baker? A Two years.

Q What does he do there? A He was an old gentleman then, he lived right in the edge of Berryville, Dr. Baker.

Q How old do you think he was then? A I think he must have been 65 or 70 years old; an old gentleman.

Q That was in 1868, 1869? A No sir, it was in '68 and '69, the two years that I lived over there.

Q He had retired from business? A Yes, sir.

Q Did he have any family? A Yes, sir.

Q What family did he have? A I don't know how much family he had; I was well acquainted with the old gentleman.

Q He wasn't doing any business with anybody? A No sir.

Q And his character was never called in question one way or the other was it? A No sir, no sir.

Q Campbell Taylor was a notorious racial provocator ever since you ever knew him, didn't he? A Yes sir, I never know much good of him.

Q And whenever a man got a bad citizenship case he got Campbell to work it, because he was notoriously a radical; that's it, isn't it? A Well a great many of them got him.

Q It was a notorious thing that they had a bad case they would get him, it would sort of give a case a bad odor to have Campbell around it? A Yes, that would be right.

Q You never knew anything about Mr. Duncan's connection with citizenship matters? A No sir, never did.

Q You never heard about his changing some of the records of citizenship cases? A No sir, never did.

Q You have heard lots of talk about this Dawson case? A Yes sir.

Q Rumor had it all around that somebody was doing something wrong? A Yes sir.

Q You never accused him of it you think? A I never heard him accused of it, no sir.

Q That rumor got out from the first day they were admitted right up to the present? A Well I don't know not from the first day, I have heard it for a good while though.

Q But you never knew who they fixed it on? A No sir.

Q They have been a pretty strong family up there in that country haven't they, pretty large family? A Yes sir.

Q Cast a good many votes up there? A Yes sir.

Q Did you ever know of the Doctor's testifying any in court, Dr. Baker? A No sir, I never did.

Q What would you think of a man who would testify that he knew a girl that was single in 1825 when the youngest of her seven children

was born in 1825? What would you think, would you think that was a statement to be made by a man who was truthful? A -

BY MR. McKEITHEN: Applicants object to the question because it is wholly incompetent, and not based upon any fact or admitted facts in the case, and it is wholly immaterial and incompetent.

Do you think that was a statement that would be made by a truthful man? (No response.)

Q You knew him in '68? A Yes sir.

Q He was quite an old, decrepit man? A Yes sir, quite old, '68 and '69.

Q 14 years from that time he was liable to be in his dotage?

A I don't know, he was an old man when I knew him.

Q He was too old to work, and retired from business then? A Well he did not do a good deal, but wasn't doing any business particular that I know of.

Q He would have been pretty old 14 years from that time? A Yes, he would be getting old.

D. H. MARRE, being first duly sworn and being examined, testified as follows:

BY MR. McKEAYMON:

Q What is your name? A D. H. Marre.

Q What is your age, Mr. Marre? A I am 44.

Q What is your business? A I am publishing a newspaper.

Q What paper? A The Indian Citizen.

Q Are you Editor of that paper? A Yes sir.

Q You live at Vinita, then? A Yes sir.

Q Are you a citizen of the Cherokee Nation? A Yes sir.

Q By blood or intermarriage? A Intermarriage.

Q Do you know D. W. C. Duncan? A I do.

Q How long have you known him? A 10 or 12 years.

Q Do you know his general reputation in the community where he lives for honesty and uprightness of character? A Yes sir.

Q Is that good or bad? A Good.

Q Do you know Campbell Taylor? A Yes sir.

Q How long have you known him? A Why 15 years or longer.

Q Do you know his general reputation for truth and honesty in the community? A His general reputation, yes sir.

Q Is it good or bad? A Well it is not good.

Q Is it bad? A Well I suppose it must be bad then.

BY MR. HUTCHINGS:

Q How don't you Campbell's reputation being bad, Mr. Marre, quite a good while, hasn't it? A Why I think so, yes sir.

Q And it kind of began mostly with this citizenship business?

A Yes, so far as I know it did, yes sir.

Q Campbell got so many bad citizenship cases and through the mails, and they finally had him up about it, had a good deal of stir about it? A Yes sir.

Q And some of that stir was sort of occasioned by his helping the Dawsons in wasn't it? A I don't know, I don't know whether he helped the Dawsons.

Q Was not that one of the principal cases that brought him into notoriety? A I don't know whether he had that case or not. I know he had a great many cases.

Q That was the principal thing that concerned the Civil Campbell out, was citizenship cases here? A I think that is what got him into the most trouble.

Q I say before that time nobody had talked much about Campbell one way or another, and it became pretty general that Campbell was handling shoddy citizenship cases, and he got a bad reputation from that? A Yes sir, I think that was the impression generally.

Q Now Mr. Duncan's connection with the Dawson case sort of been kept back; people never talked much about it? A I never heard anything about it, as I know of.

Q You have heard that there has been something wrong about the Dawson case, that has been a notorious thing? A Oh it has been a notorious case, yes sir.

Q Well the fact of Mr. Duncan's reputation for straightness has been somewhat given by himself, he confessed it frequently? A Now is that?

Q His reputation for honesty is somewhat given by himself; he takes occasion to confess that very often his own doesn't not.

A I don't know whether I am qualified to answer that.

Q Speaking of his own honesty, he does that very frequently?

A No sir, not that I know of.

Q Doesn't he write a good deal about that sort of thing? A About his reputation?

Q Any in speaking of his own integrity? A I don't remember that he does.

Q You were not about the citizenship courts along in 1881 '82 and '83 were you? A No sir.

Q Don't remember about the look that was going on around the Capitol over there about the citizenship cases? A Yes no, don't remember anything special as I know of. I remember the citizenship court going on at different times.

Q How far were you living from Tahlequah in '87? A Well, I lived close to Vinita, I guess it is sixty miles probably.

Q Have you lived any nearer Tahlequah since that time? A No sir, never have.

H. L. BUTLER, being first duly sworn and being examined testified as follows:

BY J. R. HOKKEMSON:

Q What is your name? A H. L. Butler.

Q You are a minister of the Gospel? A Yes sir.

Q M. E. Church, would? A Yes sir.

Q How long have you been in the ministry? A I have been in the ministry 22 years, sir.

Q Did you ever live at Vinita? A Yes sir.

Q How long? A I was there four years, sir.

Q Do you know B. T. C. Duncan? A I do.

Q How long have you known him? A I have known Mr. Duncan 21 years.

Q Do you know his general reputation for honesty and uprightness of character? A I do.

Q Is that good or bad? A Good, so far as I know.

Q You have no opportunity of knowing? A Yes sir.

BY MR. HOKKEMSON:

Q Mr. Duncan was a member of your church? A Yes sir.

Q That is the principal way you had of coming in contact with him?

A Yes sir, he was a member of my official board.

Q His connection with citizenship cases that were decided by the court of which he was clerk was never brought up in your presence anywhere? A No sir.

Q Or never discussed? A No sir, I know nothing about his connection with it.

Q You didn't live about or near Tahlequah in '87? A Yes sir, I was pastor of the Methodist Church in '87 at Tahlequah.

Q Did you hear about the Dawson case, and other cases admitted over there by the citizenship court? A No sir, I know nothing about the cases; I remember when the Commission was in session, and remember that he was clerk of the Commission, but knew nothing about the cases that were decided at all.

Q Never heard anybody discuss the cases that were decided? A No sir.

THOMAS A. CHANDLER, being first duly sworn and being examined, testified as follows:

BY MR. HITCHINGS:

Q What is your name? A Thomas A. Chandler.

Q What is your age, Mr. Chandler? A I am 30.

Q What is your business? A Deputy clerk of the United States Court at Vineta.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Do you know W. F. G. Duncan? A Yes sir.

Q How long have you known him? A Let me see; I have known him about nine or ten years.

Q You know his general reputation for honesty and uprightness of character in the community where he lives? A Yes sir.

Q Is it good or bad? A Good so far as I know.

Q Do you know Campbell Taylor? A Yes sir.

Q How long have you known him? A I think about 15 years.

Q Do you know his general reputation for truth and honesty? A Yes sir.

Q Is it good or bad? A Bad so far as I know.

BY MR. HITCHINGS:

Q How did Campbell Taylor get a bad reputation? A Well sir, I don't know how he did.

Q You never met him until 1901? A Well I never knew him personally, I heard of him before that.

Q He had a bad reputation before '85? A Yes sir.

Q Bad reputation way back yonder? A First I remember I ever heard of him I heard people saying bad of him, when I was a kid.

Q And everybody that came around the Nation and knew anything at all knew Campbell had a bad reputation? A Yes sir, ever so far back as '22 or '30, that is as far back as I can remember. I think I heard it spoken of in '80, I think quite about the time.

Q And Campbell got a very bad reputation in '80 and '81 when we began to have these citizenship cases? A Yes sir.

Q You heard him spoken of in connection and being the cause for these business? A Yes sir, I heard of him being in the Fort Smith Jail on that account.

Q Citizens of the Nation talked a good deal about Campbell's being in these bad citizenship cases? A Yes sir.

And I also heard he had a bad reputation for paying his debts along, about the same time.

Q You don't know whether he had the money, he might not have had the money to pay his debts? A No sir.

Q He could have kept out of bad citizenship cases? A Yes sir, I suppose he could.

Q You never heard Mr. Duncan's name mentioned before in connection with the Dawson case, citizenship cases? A No sir, I don't think I have, I may have, but I don't remember hearing it.

Q General impression that somebody had done something wrong with that matter, citizenship cases? A I heard there was something wrong in connection with the Dawson citizenship cases.

Q That has always been in notoriety ever since they were admitted? A Yes sir, I have heard it mused around over the country that such was the case.

Q That has a pretty large voting capacity on there and the matter was never investigated? A I don't know about that, I don't think it was ever investigated, I never heard of it.

Q So they never had any endeavor to find out who the man was?
A No sir.

Q Where did you live in 1877? A In 1877 I lived out on Dick Creek about 12 miles south-west of Vinita.

Q How far from Tipton was that? A About 65 or 70 miles, I suppose.

Q You never were around before the citizenship courts any during that time? A No sir.

Q You don't know then whether or not Campbell had lost the bid case or not down there? A No sir, I do not, at that time.

BY MR. MCKENNON: Applicant's object to all of the testimony of this witness as to what he heard by way of rumor, about the character of the Dawson case, because the case is hearsay, immaterial, irrelevant and incompetent.

A. S. MCKENNON, of Counsel for Applicants, being first duly sworn, makes the following statement:

I became a resident of Carroll County, Arkansas, early in 1850. I was intimately acquainted with Doctor Arthur Baker, for many years. Knew him as well as I did anyone else. He was a gentleman of the highest Christian character, so recognized by everybody who knew him. He was a sober man, and never drank liquor. I make this statement more in vindication of that good man's memory than for any other reason, because any reputation against his character is false.

BY MR. HASTINGS:

Q How long did you know him? A I resided in Carroll County until 1877 when I removed to Johnson County, Arkansas; during the war I was away from home, but I knew him intimately every year that I resided in Carroll County.

Q Did you know him since 1877? A Yes sir, I have seen him several times. I have relatives living in the town in which he lived; my relations to him were such as to cause me always to inquire about Doctor Baker. I knew his reputation, I think as well after I left there as I did when I lived there.

Q Did you know those facts in 1896 when you were a member of this Commission? A Yes sir, I have known them all my life as I know them now.

Q Did you know them when you as a member of this Commission passed on the Irene J. House case? A I knew it every day of my life, in 1896 as well as now.

Q Suppose that Doctor Arthur Baker's statement should appear that he was born in the year 1809, and suppose he said when he was 15 or 16 years of age that Ann Pruitt the wife of Samuel Dawson, was a grown up girl going to school, when the other undisputed evidence shows that she had married Sam Dawson prior to that time and had seven children, the youngest of whom was born in '33, how would you harmonize that with a man who was an honest man and knew the facts in the case? A Whatever Dr. Baker stated he honestly believed, whether it was right or wrong; whether it was error or truth, he honestly believed it, and stated it as he believed it.

Q He was capable of being in error? A Every man is.

Q I say he was? A Yes sir, just as you and I and every man, he was; I merely stated as to his high character, which could be proven, by every man who knows him. I think, I know it.

Q The Commission rejected Irene J. House in 1896, of which you were a member? A I don't remember anything about that personally.

TESTIMONY OF DAVID HERODITH

DAVID HERODITH, being first duly sworn, and being examined, testified as follows:

BY MR. HITCHCOCK:

Q State your name. A David Herodith.
Q Where do you reside? A Vinita.
Q How old are you? A 66 years old.
Q Did you ever know James Dawson? A Yes sir.
Q How long have you known him? A I know him probably 2 years.
Q Did you ever have any talk with him as to his citizenship case?
A Very little.

Q You were at one time an applicant before the Dawes Commission for citizenship were you not? A Yes sir.

Q Tell what did Mr. Dawson tell you with reference to his citizenship, as to the cost of his getting it, if anything? A Well he told me it cost him eleven or twelve hundred dollars to get his case through.

Q Where did that conversation take place? A At Atton.

Q At what time? A It was in '98, spring of '98.

BY MR. McKENNON:

Q Where were you when he told you that? A I was working on a house in Atton, building the house.

Q What house? A S. S. Whiner's.

Q Who else was present? A Palmer was present.

Q Where is he? A At Atton.

Q What age was Mr. Dawson at that time? A I can't know, he was very old, probably 75 years old.

Q Was he not a very feeble man? A Yes sir.

Q Hardly able to get around? A No sir.

Q Was he not then regarded as feeble, minded old man? A I don't know whether he was so regarded or not.

Q You don't know what he had to do with the case, in fact, himself, do you? A No, I judged it was himself and family that cost that much to get through; attorney's fees, etc. That is the way I took it anyway.

Q You were an applicant yourself were you not? A Yes sir.

Q When? A At that time.

Q Before the Cherokee authorities? A Yes sir.

Q They rejected you? A Yes sir.

Q You were an applicant then before the Dawes Commission were you not?
A Yes sir, been rejected ever since.

Q Are you still an applicant? A Yes sir.

Q Still trying to get in? A Yes sir.

Q Claiming by blood? A Yes sir.

Q How long have you been living in the Cherokee nation? A 15 years.

Q Where did you come from? A Indiana.

Q Claiming to be a Cherokee citizen? A Yes sir.

Q Indian? A Yes sir.

Q James Dawson is dead is he? A Yes sir.

Q How long has he been dead? A I think he died probably within two years after that.

TESTIMONY TAKEN ON BEHALF OF THE APPLICANTS

F. H. DAWSON, being re-called and further examined, testified as follows:

BY MR. McKENNON:

F. H. Dawson A Yes sir.

Q Mr. Dawson, what number of your family came to the Cherokee Nation to file and prosecute the claim of your father, Robert Dawson, and the members of his family, to Cherokee citizenship?

A My brother from Texas first came to Tallegah.

Q Tell his name? A Robert Dawson, they all know him by Buck.

Q When was that? A In '81 or '82 or '83, I don't know which, it was in '81 or '82.

Q Did you file your claim at that time? A My brother was, yes, the application, my brother had Joel Hayes to make it out and file it. That is my understanding.

Q Joel Hayes, who afterwards was Chief of the Cherokee Nation?

A Yes sir.

Q Before what court was that filed? A My understanding is he was clerk of the court; Hastings can tell me what court he was clerk of.

Q He was clerk of the court at that time? A Yes sir, of the citizenship court; that's my understanding.

Q That was done about the case at that time, if you remember? A I went back home and left my brother down there at that time, that trip.

Q Where did you then live? A I lived at Berryville, Arkansas.

Q When did you next come to the Cherokee Nation? A I believe I came back the next January, that was in September.

Q Was your brother Buck here then? A I don't think he was, I don't remember.

Q Well had he at any time of the Court or session of the Commission at any time after you first came here and filed the application until after it was decided? A No sir, I never let him any more until that case was decided.

Q You conducted the business then after that did you not? A Yes sir.

Q The case was finally determined in January 1883? A '83, yes sir, the 11th day as I remember.

Q Were you present at that session? A Yes sir.

Q Was there any decision of that case other than the one of record here? A I never heard of it if there was.

Q Was the judgment rendered in that case as recorded in the record Book of that Commission now in the custody of the Dawes Commission the only judgment that was rendered in that case so far as you know?

A Yes sir, so far as I know, if there was any I never heard of it in that case.

Q You then know of no decision against you in the case? A No sir.

Q Who was your attorney employed at the beginning? A I employed A. H. Norwood.

Q Was he a Cherokee citizen? A Yes sir, I think so.

Q Where did he live? A At Claremore, my understanding.

Q Was he present at any time before the Commission? A I never saw him, he never met me there before the Commission.

Q Did you pay him any money? A Yes sir.

Q How much? A Fifty dollars.

Q Did he ever render any services? A If he ever did I never knew it.

Q Tell then who did you employ? A My brother employed Joel Bryant.

Q Was he a Cherokee citizen?

A That is my understanding.

Q Was he not a prominent Cherokee citizen? A Yes sir.

Q What service did he render? A Well sir, I don't know whether he rendered any or not, only he met me a time or two at Tallegah, and he was before the Commission; whether he rendered any services

or not I don't know; he was generally always at Washington City during the Terr. down there.

Q Well what did he do about it? A I don't know, I couldn't say what he done anything about it. That is Mr. Bryant; he was always gone.

Q What next was done about the employment of an attorney? A Why I got a letter from Joel Bryant that he was going to Washington City and for me to come down in January Terr and Campbell Taylor would see to my claim before the court.

Q Did he say that he had engaged the services of Campbell Taylor the attorney, to attend to it in his absence? A Yes sir, in his absence.

Q Have you got that letter? A I don't think I got the letter.

Q Well what did you do then? A Why when the time come I come down on the day to Lookago here and I goes over from here to Fort Gibson and I then down in see Uncle Houston Benge and stays all night with him; it was very cold weather, and I got him to go over and submit my case to the court; I went over one day and the next day Uncle Houston Benge come over and the next morning after he come over the case was submitted.

Q Did he submit the case? A Yes sir, he told me so.

Q For you? A Yes sir.

Q Were you present? A I was present until they went to take the vote on the case and then we was drove out of their room and they had a secret session, acting on the case.

Q Was Houston Benge present with you? A Yes sir.

Q Were you in the court when he submitted it to them? A Yes sir, when he made his argument.

Q He made an argument before the Commission? A Yes sir.

Q Was the decision rendered on that day? A Yes sir.

Q How long after he made his argument and submitted the case? A Was not but a little bit; when we were drove out of the house the first time before they went into secret session they wanted me to set up the cigars to the court and the crowd in the house; after the decision was rendered then I was to set up the cigars, and everybody come to me and told me to go and get the cigars and I done so.

Q And you took the cigars there and all? A Yes sir, everybody, the attorneys and all that was in the house, all had a big smoke.

Q Did they then announce their finding in the case? A Yes sir, they told me that I was granted my citizenship right and by the Commission.

Q What did you do about it then? A Why the Clerk wrote me out my certificate.

Q That same day? A That same day.

Q What arrangements did you make with Mr. Benge about his fee, and what was the amount of his fee? A There was no arrangement made until we got up there and he submitted our case; then he wanted me to pay, he charged me fifty dollars, that was his fee.

Q What was the agreement about the latter, the manner in which that fee should be paid? A My brother in Texas was to pay it.

Q Were you to write or was he to write? A He was to write for it.

Q Did your brother in Texas ever pay his fee of fifty dollars?

A Yes sir.

Q Was that all that was to be paid? A All he was to have; all he charged me.

Q You haven't said what when he gave his deposition at Fort Gibson the other day did you not? A Yes sir.

Q He there stated that you paid him fifty dollars before you went down to Tahlequah, did you do that? A No sir.

Q He said that you paid him fifty dollars after he got over to Tahlequah, did you do that? A I never paid him a cent in my life.

Q After that judgment was rendered where did you go to? A I went back home to Arkansas.

Q By what route? A I went by Silos Springs and on by Spring Dale and then on to Rogers, took the railroad there and went on by Saligou and by Baraga Springs home.

Q You then did not return to Fort Gibson with Houston Conyer, as he stated? A No sir, I did not.

Q Why did you not return by way of Fort Gibson? A Well I thought maybe the other way was the cheap way and struck a hack going out by San Stables where I was boarding at, I could go to Silos Springs and I went by that route and then there was a hack going by Spring Dale, that was the most direct route.

Q That was the most direct route from your home was it not? A Yes sir.

Q And the cheaper? A And the cheapest route.

Q Had you been going back to Fort Gibson you would have been going directly away from home would you not? A Yes sir.

Q Your home was nearly east, due east of Tahlequah was it not?

A Yes sir, little north of east, pretty near due east.

Q While Fort Gibson is almost due west is it not? A Southwest.

Q You heard his statement that you went to Fort Gibson with him, and as you came you stated to him that the way to reach that court was through Duncan and you reached there through Duncan with five hundred dollars, did you make that statement? A I never did, I didn't have the five hundred dollars to reach him.

Q Did he while at Tahlequah in the court room on the evening before this judgment was rendered in your favor, tell you what the court had rendered a judgment against you? A No sir.

Q And did you then say to him, you would fix that? A I had no such conversation with him.

Q Did you pay to D. F. C. Duncan, who was the Clerk of the Court any sum of money, or agree to pay him any sum of money, directly or through any other person for any services he might render you by way of influencing the court to decide in your favor? A No sir.

Q Or for any other purpose? A No sir.

Q Did you pay him any money after that through Campbell Taylor?

A Yes sir.

Q What amount? A 20 or 25 Dollars, I don't know which it was.

Q State what that money was paid for? A For a claim.

Q What do you mean by a claim? A Claim on the public domain; he had a claim up there close to me; paid him 20 or 25 dollars for his claim. He had up there by me, on the Cherokee Public Domain.

Q What did Campbell Taylor have to do with your case?

A He had nothing to do with it.

Q Did you agree to pay him any money for his services as an attorney? A No sir.

Q Did he perform any services in that case for you as a representative of Mr. Bryant? A No sir.

Q Did you pay him any money? A Yes sir.

Q On that account? A He came to me and said he had the claim against me for Joel Bryant and wanted me to pay him the money and I done so.

Q What amount? A Hundred dollars.

Q For the money paid to Joel Bryant, did he ever get it back? A Yes, I did.

Q Did he ever get the money to Joel Bryant, that he took off? A Joel Bryant claimed he didn't, and he had to get it again, and Joel Bryant the hundred dollars he owed me. E. Dawson paid Joel Bryant, after that, we never could get the money from Campbell Taylor, out of his twenty dollars or twenty-five dollars; that in all we ever got back from him.

Q How did you get that 25 dollars and of 21 for Duncan? A I went after him and tellin' him to pay that money back to me, he rendered me services to do with all and the money was to go to Joel Bryant, and I finally worked out the twenty or twenty-five dollars, that is all I ever did get back.

Q The amount that he paid to Duncan? A Yes sir.

Q Was this money paid to him, this one hundred dollars, while you were there at the time the judge was rendering, or was it sent to his afterwards? A I think it was paid then, as well as I remember about it.

Q You think it was paid then? A Yes sir, that's my recollection now.

Q Did you send him one hundred dollars after you went away from there, subsequent to the rendering of that judgment, after it was rendered? I don't know, directin' him to pay fifty dollars of that or any other due to D. or C. Duncan? A No sir.

Q Did you send him a second one hundred dollars with such direction? A No sir.

Q Mr. Dawson, do you know about what it cost you to go all to obtain this justice in the Cherokee Nation under this judgment? A Practically I do.

Q Well about what sum? A About five hundred dollars, pretty near 500 dollars. That is what I considered, I was beat out of some of my money, what I was beat out of and expenses.

Q Now take a statement of what that money was paid for and how, so far as you remember, itemize that now? Tell the first fifty dollars Harrison got; the next fifty dollars George got; that was the attorney's fees; I speak of the attorney's fees now: the next money was the hundred that Campbell Taylor got; the next attorney fees was Bryant's one hundred dollars.

Q Was that all the attorney's fees? A I think it was, no, wait, I paid Ross 15 dollars for his Baker's deposition.

Q Which Ross was that? A The old Chief, Bill Ross I think was his name, William P. Ross.

Q He took, this Chief William P. Ross for taking the deposition of Mr. Baker charged you fifteen dollars? A Yes sir.

Q Do you mean by that that he acted as your attorney and examined him? A Yes sir.

He examined him before the court, taken his statements.

Q What other attorneys were there present? A None of them was present.

Q Well now, go on. A For the expenses of taking Dr. Baker and he was a doctor, he will not I remember he charged 15 dollars a day and I was going and his expenses down there, we come through in a boat from Bartlesville, Arkansas, to Muskogee, and our expenses and all I think was about 75 dollars that trip, not at all near it. Maybe a little over that.

Q Did you pay him a per diem? A I paid him five dollars a day for his time and then his expenses.

Q Well? A Well I made several trips out here at different times, to Tahlequah before the conviction, and back, three or four trips as well as I remember now, cost me 20 or 25 dollars each trip, as I remember about it.

Q Do you remember how any trips aside from the one to which you brought Dr. Baker? A No; I think there was probably three trips I think it was, maybe more, and then I made one trip to Claremore to see A. H. Norwood.

Q What did that trip cost you? A I don't remember what it cost; I went in a wagon down there.

Q You went through and employed Henge, went by railroad; what did that trip cost you? A I don't remember what it was, whether it was 21 dollars or 22 dollars, one or the other; I don't remember which it was; Joe Dawson, my brother gave me the money, it was either 21 or 22 dollars.

Q Now then is there any other expense that you know of that was paid by you or your family, any members of your family, other than that you have mentioned? A I don't remember any other now; I can't call to my memory right now.

Q What was the condition of the members of your family generally now, financially, at that time? A Well we were considered poor people; I don't know, we didn't have much money, scarcely any.

Q Was there any one of them that was better off than the others, and if so, which one? A I suppose Elbert Dawson was better off than the others, such Dawson.

Q Do you know how much Buck Dawson paid of these expenses? A I don't think he paid, he paid the Henge debt and the Bryant debt, I think it was.

Q That is one hundred and fifty dollars? A Yes sir, that he came up on one trip and taken some evidence with Joel Bryant when Joel Bryant was clerk of the Court before this Teehee Court, I don't know what that cost him.

Q Came up here and took some testimony? A Yes, came up and went back to Texas, filed his claim and took some testimony and went back to Texas and I didn't see him.

Q Did that testimony include Dr. Baker's testimony? A No sir.

Q You know how many witnesses were examined then? A I only know what he told me.

Q How many? A Four witnesses.

Q You know whether they were residence of the Cherokee Nation or not? A He told me they was.

Q Were you present on that trip in which he came there and took that testimony? A No, I met him there and then I went back home and left him at Tahlequah.

Q He had taken the testimony before you left him or afterwards?

A He taken it afterwards; that was my understanding.

Q Did Buck furnish only the one hundred fifty dollars that you now remember? A I think it was.

Q And the expense of taking these witness up there? A Yes sir.

Q Was also furnished money now of the members of your family?

A My brothers and father lived down in Berryville, me and my brother-in-law, Blawingame, we all chipped in together a few dollars from each family.

Q You heard the statement of G. C. Brought that in June 1883 you told him that it had cost you 700 dollars, did you make any such statement to him? A I never did.

Q And that you paid one witness 300 dollars? A I never made any such statement.

Q Did you pay any witness any such sum? A No sir, I paid Dr. Baker for his time; he said his time was worth 5 dollars a day, for him, and I paid it.

Q Did you pay any other witness any money in that? A No sir, he was the only witness I taken down there in my case.

Q Tell me Robert Dawson died? A Yes sir.

Q He says that you told him this in your house there on your place, did you have any house there in June 1837? A I was not living on my farm at that time.

Q Did you have any farm? A Didn't have any.

Q When did you build a house there? A I built a house on the farm I live in now by Mr. Brought, I moved on the land the last of July, 1835, and I carried in my wagon.

Q What did you do? A I went to the timber and cut poles and hauled them out and made me a log cabin on the place by a spring near Mr. Brought.

Q About what time did you finish that house? A I finished in September.

Q How long after you finished that house until you brought your family out? A I finished it up and got it covered and the floor in it and I went back to Eureka Springs after my wife.

Q What family did you have then? A I had my wife and she had one child; but my oldest children, by my first wife were with me in the Territory, carrying with her three little boys and one girl were with me, and one girl back in Arkansas.

Q Are you and C. G. Brought on good terms? A No sir.

Q What has been the character of the trouble between you? A Trouble over our places first started it.

Q When did it begin? A As soon as I got back from Arkansas he commenced kinder crowding me out to take my farm away from me, and we have been in a racket ever since.

Q Then his statement that you were on friendly terms, is it correct or not? A No sir, it aint correct.

Q He and you have never been friendly as neighbors then since you first came back from Arkansas and settled in the Territory? A I don't remember ever being in his house; I never was in his house.

Q Have you had law suits with each other? A Yes sir.

Q How many? A I don't know that we had any particular law suits, but I have had law suits and he has been a witness against me.

Q What was your last trouble with him, what I mean? A Along last fall.

Q That was when your boys had a little racket and he had your boy arrested? A Yes sir.

Q What was the age of those boys? A Eleven years old.

Q He had him arrested down at Vinita? A Yes sir, had him arrested and carried before the Commissioner at Vinita.

Q He was discharged on account of his age? A Yes sir.

Q Dick Dawson is dead is he? A Yes sir.

Q How long has he been dead? A Three years, little over three years.

Q And James Dawson is dead? A Yes sir.

Q In your father, Robert Dawson living? A No sir.

Q When did James Dawson die? A I don't remember, been dead several years, I don't remember how long, 6 or 7 years, I couldn't state.

Q When did your father, Robert Dawson die? A I believe it was in '37 at I remember now I wont be positive.

Q Had all these moved to the Cherokee Nation before their death? A No sir, father died in Arkansas.

- Q Those that lived here in the Nation they lived here in the Nation but went back to Arkansas and died there? A Well the rest of my folks all lived here. That was James Dawson and Buck Dawson.
- Q Robert Dawson, your father, never did move to the Territory, did he? A No.
- Q Did you hear the statement of the witness Beavert this morning, that about the time of hearing of the James Dawson case, at a negro chitron at night James Dawson came down there with someone else who introduced to him, and he loaned him ten dollars; did you hear that statement this morning? A I heard the statement, yes sir, I heard it.
- Q He says that man James Dawson was 30 or 40 years old; was there any James Dawson living belonging to your family at that time of any such age? A No sir.
- Q How many James Dawson's were there belonging to your family? A There was my uncle James Dawson and a brother James Dawson, the Doctor here.
- Q How old was your brother James Dawson then? A He was a tolerable old man, I don't know his age.
- Q About what age? A Must have been 60.
- Q Between 60 and 70? A Yes sir.
- Q What was the age of your brother James? A At that time?
- Q Yes sir, in '84? A In '84 I suppose he was about 18, something like that.
- Q Did he have anything to do with the James Dawson case? A No sir.
- Q Was he present at the time that the James Dawson case was under consideration? A No sir.
- Q Was James Dawson, your uncle James Dawson, present at any time during the consideration of his case? A No sir.
- Q He never was present? A No sir, if Uncle Jim Dawson was ever in Tahlequah I never knew it.
- Q Who conducted the prosecution of the James Dawson case before the Cherokee Citizenship Commission, who conducted it? A The James Dawson case?
- Q Yes sir? A I think James Low and Will Jackson and Campbell Taylor.
- Q Were you acting with them? A Yes sir.
- Q They employed Campbell Taylor? A Yes sir.
- Q Then there was no James Dawson present during that session of the Commission? No sir.
- Q What was the condition of James Dawson's health at that time? A It was pretty poorly; was not good.
- Q Was he at that time able to get about and attend to business? A I don't think he was.
- Q Was he not a very feeble minded old man at that time? A Yes sir.
- Q Regarded as rather a silly man was he not? A Yes sir.
- Q Did he attend to any kind of business of the family at that time? A No sir, didn't.
- Q What was his financial condition? A Pretty bad.
- Q Did he have any money? A No sir.
- Q Did he have any property? A None hardly at all; horse probably, or a cow or two, something that way.
- Q Was that about all the property he had? A Yes sir.
- Q How about the other members of his family that were admitted at that time; what was their financial condition? A They were in poor circumstances.
- Q Now then after these judgments were rendered what members of your family removed to the territory, Cherokee Nation, I will say?
- A Robert Dawson and family and James Dawson and family, that is, them and their children.

Q Robert Dawson didn't remove here? A No, I said except Robert Dawson.

Q Did all the members of Robert Dawson family move here? A Yes sir.

Q Except himself? A Yes sir.

Q And all the members of James Dawson family? A No, not all the members, Melvina Low I don't think ever lived here.

Q She has never moved here? A No sir.

Q Well all the members of your family, your father's family included in that judgment of the Committee, rendered January 11th, 1893? A All but one.

Q What was the name of that one? A Edna.

Q A daughter? A Daughter of Robert Dawson.

Q Your sister? A Yes sir.

Q Was she then of age or was she a minor? A I think she was a minor, as well as I can remember.

Q Was she afterwards admitted to citizenship in the Cherokee Nation? A She was.

Q By a Commission or by the Cherokee Council? A She was first admitted by the Spears Court, her and two of my nieces.

Q What are their names? A Katie Vernon and Verna Fishback.

Q What became of that? A The certificate papers they got was lost, and they went before the Council in 1894 and they was readmitted back by the act of Council.

Q That was in 1894, the Cherokee Council admitted, re-admitted as they called it, the three above named? A Yes sir. Mary and Verna Fishback and Katie Vernon, they have now the same names now except Vernon, it is not, Tob Robinson married the widow, a niece of mine.

Q Now then was there any other consideration of the Dawson case by the Cherokee authorities at any time aside from these two judgments in '83 and '84 admitting the two families of Robert and James Dawson, and the act of Council of '94 admitting these three who you have just named? A Yes sir.

Q Then? A Why two of my sons was placed on the roll by the act of Council in 1892 I think it was; left off of the rolls in per capita payment and they was placed on the rolls I think, and Sam Hightough member of Council, got their draft or checks for the money.

Q Have you got that copy of the act of Council admitting them? A Yes sir.

Q Where is it? A (Produces papers.)

BY MR. McKEON: We offer in evidence an act of the Cherokee National Council making an appropriation of 26,900 dollars belonging to the general fund for the payment of certain persons therein named a per capita payment, as per amount set opposite their respective names, provided that the Principal Chief shall draw warrants for such amounts, and further provided "That the names of the persons appearing on the per capita rolls in this act shall be placed (on) the authenticated roll of 1880 by the Principal Chief."

This act was approved December 31, 1891.

Approval signed by Stephen Tence, Assistant Acting Principal-In this list appear the names of William R. Dawson for payment of \$13.70, and of Marion Dawson, for a like sum. Are these

now the names of two of your sons? A Yes sir.

(This paper above introduced, is filed and made a part of the records in this case.)

Q Was there any other action of the Cherokee authorities relating to members of your family? A Yes sir.

Q Then? A In 1894.

Q That was that? A Allowing them their strip money.

Q Have you a copy of that? A I think I have. (Produces papers.)

BY MR. MCKENNON: We offer in evidence a duly certified copy of an act of the Cherokee National Council approved November 24, 1894, signed G. J. Harris, Principal Chief. Senate Bill No. 19, appropriating a sufficient amount of money to make payment per capita of what is known as the strip money to certain persons named therein. Among them are members of the Blessingame family, as follows: Jane, Elbert, Henry, James Ross Lennie, Pearl, Ads, Myrtle, Winnie and Clifford; this act mentions these persons as Cherokees by blood, and whose names had been left off the pay roll approved May 3, 1894, providing a payment to each one of these a sum of \$265.70.

Q Were these members of the Robert Dawson family? A Yes sir.

Q Which one of the members of the family? A Janet

Q This is Jane who was admitted by the judgment admitting the Robert Dawson family? A Yes sir.

Q And her children? A Her children, was not admitted, she was admitted.

Q I mean this mentions her children here? A Yes, that mentions her children.

(The paper last above introduced is filed and made a part of the record in this case.)

Q Do you know whether the payment of the Cherokee Strip money was

to Cherokee citizens by blood only or not? A Yes sir.

Q Was there any other act of the Cherokee authorities passing upon the citizenship of members of your family? A Why the Douthett children, my brother's grand-children. Two grand-children of E. Dawson.

Q When was that? A That, I think it was in '84.

Q Have you got a copy of that act? A No, the record is here.

Q Was that by the Spears Court? A Yes sir, by the Spears Court.

BY MR. MCKENNON: We now offer in evidence a judgment of the Cherokee Commission on Citizenship, 1880 and 1884, found on page 190, case No. 181, dated September 9th, 1884, signed by Eli Spears, President, John Lee and Andrew Young, Commissioners, admitting to citizenship Lula Douthett and Dallas Douthett as Cherokees by blood.

Q Those now are the Douthetts to which you refer, are they? Yes sir.

BY MR. MCKENNON: Attention is called to the fact that the names of the Commissioners are all signed in the same handwriting as the record of the judgment.

The said judgment record above introduced, and found on page 190, No. 181, record of 1880 to 1884, is as follows:

"Office of Commission on Citizenship,
Tablequah, Cherokee Nation, September 15th, 1883.

E. Dawson, (for his grand-children,)

No. 181.

Lula Douthett,

Dallas Douthett,

vs

The Cherokee Nation.

(C. H. Taylor,
Atty Gen Claim.

) Petition filed September
(14th, 1883.

Case submitted by claimants Sept 14th, 1887.
 Case submitted by Solicitor, Sept. 18th, 1887.
 Continued by Petitioner Jan 22 1888 in September Court
 1884.
 Re-submitted September 2nd 1884, by Attyr Taylor and Benvert
 Submitted by defense Sept 8 1884.

And now on this the 17th day of September 1884 comes this case for final hearing and all the evidence in the case having been carefully read, and considered by the Commission on Citizenship it has been decided by the Commission that the above named Julia Dabthett and Dallas Dabthett are Cherokees by blood, and that they are entitled to all the rights and privileges of Cherokee citizenship in the Cherokee Nation and that they should be, and are hereby admitted to the full and complete enjoyment of the same in all respects, as native born Cherokees.

W. L. Spears, Pres.
 John Lee,
 John L. Adair, Andrew Young,
 Clk Com'n. Commission on Citizenship."

Q Now were there any other actions of the Cherokee authorities of like character relating to the members of your family?
 A I don't remember of any others.

Q I will ask you if when the Cherokee authorities were making the roll of 1896, in compliance with the request of the Dawes Commission for a roll to be prepared by them for the use of the said Commission, the question of the citizenship of the members of your family was not then raised and an investigation had in regard to it? A Before the Dawes Commission?

Q No, before the Cherokee Commission making the roll of 1896, of which John T. Ginter was a member? A Yes sir, yes, I had forgot it, but since you have named it there was some investigation of them at that time; this is what I understood.

Q That roll shows that the members of your family were duly enrolled by the Commission? A Yes.

Q Have you and the other members of your family since your removal to the territory in 1883 and immediately following been recognized as Cherokee citizens by blood? A Yes sir.

Q Have you been exercising and enjoying all the rights of Cherokee citizens by blood since that time? A Yes sir.

Q You and all the members of your family are living in the Cherokee Nation? A Yes sir.

Q You have all drawn Cherokee money whenever payments were made? A Yes sir.

Q And have you all male members been voting at the Cherokee elections or in the Cherokee elections? A Yes sir, I was one of the judges of the elections that was held voting on the treaty.

Q What treaty? A The treaty bill that was sent back here for the Cherokees to vote on; I was one of the judges at Arton.

Q In what year was that? A I believe it was last spring some time, last April.

Q Have any of you held any offices in the Cherokee Nation? A Yes sir.

Q What offices have the members of your family filled? A Deputy Clerk, under Pete Hastings, when he was clerk of Delaware District, I was a candidate once for Council in the Downing Party.

Q Can any office of deputy clerk be held by any one else except a recognized citizen? A Only by a citizen, yes sir.

Q Is that all? A (No reply).

Q Have the children of members of your family attended the Cherokee schools, and been educated in Cherokee schools? A Yes, sir.

Q Have the members of your family been all the while subject to the jurisdiction of the courts of the Cherokee Nation? A Yes sir.

Q Have they been tried for any offences against the law? Yes sir.

Q And have they instituted their civil suits in the courts of the Cherokee Nation? A Yes sir.

Q And had suits instituted against them in such courts? A Yes sir.

Q Some of these cases have gone to the Supreme Court of the Cherokee Nation? A Yes sir.

Q And were passed upon by that tribunal? A Yes sir.

Q Is there anything else? A Nothing now; I am sick this evening; I have got the head-ache so bad I can't hardly see.

BY MR. HUTCHINGS:

Q How old was your father Robert Dawson when he died? A I don't know, I couldn't answer that.

Q He was a very old man? A Yes sir, he was getting tolerably old.

Q Could you tell how much older he was than you? A No I don't know.

Q Mr. James Dawson in 1884 must have been a very old man wasn't he? A Well he was old and he was feeble.

Q Well you stated that he had become silly; was he naturally that way? A He used to live in Texas; I didn't know him until after he got to the Territory.

Q I say he had gotten so old, that was the occasion of that?

A I suppose so, the oldest one of these children was Mrs. Betty Petty, that's my understanding.

Q And the oldest boy was John Dawson? A He always called him Jack.

Q Jack Dawson he was the oldest? A Yes sir.

Q Sam was the youngest? A Sam Riley.

Q He was the youngest one of the crowd? A Yes sir.

Q Your father lived four or five years after he and you were admitted to citizenship? A Yes sir, something about that, it was in 1883, I think he died in 1887, I won't be positive; that is as near as I remember now. I have got a headache so bad that I can't remember anything.

Q He nor none of the older members of the family were ever present at any of these trials of citizenship? A No sir, not a one of them was.

Q Not a one of them was ever called upon to testify as to the blood of their mother, who she was or anything about it? A I don't think they was.

Q Your claim of kinship was through Captain John Rogers and that your grandmother was the half sister of Big Joe Vann, wasn't it?

A I don't know, I couldn't answer the question.

Q You were there when they took the testimony? A I was there when Dr. Baker's testimony was taken, that was about 16 years ago.

Q And nobody kin to the Rogers and Vanns was ever called to testify in the case? A Not as I know of.

Q They were very well known Cherokee families in the country?

A I suppose so, I don't know.

Q And yet nobody on any side of the family connected with it was ever called to testify? A Not that I know of, I don't know what my brother done, he taken some of the evidence at Tahlequah when I was not there; he first filed his claim.

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Q You had spoken to Dr. Baker about the testifying before you brought your case didn't you? A No sir.

Q Must have been a short time afterwards? A It was a short time afterwards. I went back after him and it was too late and I fetched him the next time.

Q You had talked to your brother about that you could prove by Dr. Baker? A I told him I thought Dr. Baker, I thought he knew about our folks.

Q You had told him in a general way you expected to use Dr. Baker as a witness? A Yes sir.

Q You went off, come to Arkansas and left your brother at Tahlequah after you told him that fact? A Yes sir.

Q You didn't see your brother any more until after you were admitted? A No sir.

Q You and he however made trips back and forth to Tahlequah and home at different times, but you didn't happen to get together?

A No. I never met him any more and I don't know that he was there until after we were admitted.

Q But you were there and brought Dr. Baker over? A Yes sir.

Q And took his testimony a year or such a matter before ever you were admitted? A I think as well as I remember, yes sir.

Q Now the way you came to get Campbell Taylor was on the recommendation of old man Bryant? A I didn't get him, didn't use him.

Q The way he came into your case? A The way he claimed to come in.

Q He did more in your case than Bryant did? A Campbell didn't do anything.

Q What did Bryant do? A I think he helped my brother take evidence my brother employed him.

Q How did you happen to be sending money by Campbell to Mr. Duncan?

A I never sent him any money.

Q Then when he, Mr. Duncan, states that Campbell delivered the money as Campbell said he did, both were wrong? A Oh no, you are mistaken, Mr. Duncan got 20 or 25 dollars, which he stated, from Campbell Taylor, for me.

Q How did you happen to give it to Campbell? A I give the money to Campbell to give to Joel Bryant, and he wouldn't do it, and I tried to get the money back from him, and I finally worked the 20 or 25 dollars he gave to Duncan.

Q Then you didn't tell Duncan as he testified that you sent 20 or 25 dollars by Campbell Taylor? A Campbell Taylor agreed to pay Duncan 20 or 25 dollars for me of the money I give him to give to Joel Bryant.

Q The family kept Campbell Taylor employed though as their attorney after that? A In the James Dawson case I think so.

Q E. Dawson, you remember, had him for his grand-children? A That is my understanding.

Q And your uncle James Dawson had him in the case of his children?

A Uncle James had nothing to do with it; James Low and Will Jackson got him; that was my understanding of who employed him.

Q The record here shows that the case was originally instituted by C. E. Taylor and was finally admitted by him September 2nd, 1884, in the James Dawson case? A I don't deny him being in that case.

Q You say he was employed in the E. Dawson case? A I don't know who was in the Darbott children's case.

Q The record shows that Campbell Taylor instituted the case, and it was finally admitted by him, and Mr. Hewert, who testified a while ago? A That was in the James Dawson case, wasn't it?

Q That was in the E. Dawson grand-children? A Elbert?

Q No, in the Darbott children's case? A Oh yes.

Q He was likewise attorney in the Mary Dawson case was he, and he-
for the Adair court, the 4th of October, 1887, in the case of
James K. P. Dawson? A I don't know anything about that.
Q Was the case in office of Riley Dawson? A I don't know anything
about those.
Q They are relations of yours? A Well I wouldn't say.
Q James K. P. Dawson proves to be a son of Riley Dawson? A Well
if he is he is my connection then. There are so many Dawsons
I don't know them all.
Q You know Andrew J. Dawson? A Yes sir.
Q The Dawsons have so many children their brothers didn't hardly
know them did they? A That's it, I don't know them.
Q Well then you don't know who Andrew J. Dawson is? A No sir, I
don't know.
Q He refers in his application as being a cousin of E. Dawson,
and you self, who were admitted to citizenship by the Texas Court?
A He may be, I don't know nothing about it.
Q He resided I believe, at that time at Nevada, Missouri? A I
don't know anything about other people.
Q Old man Baker was an old and paralyzed man at the time he
testified wasn't he? A Getting old, he was not paralyzed.
Q Then the statement made that the reason he couldn't write his
name and had to make his mark, because he was paralyzed, in the
testimony isn't that true? A He didn't have good use of his fingers.
Q Then he was not paralyzed? A No, I brought him over there in a
hack from Berryville, Arkansas.
Q Well I say he was a very old man? A Yes, getting old.
Q Now didn't you come to this place up there joining brought's and
work on it some time before you brought your family? A No,
I brought my family with me, except my wife.
Q And you subsequently built a log house on it? A Yes sir.
Q And went back and got your wife and moved her to the
log house? A Yes sir, went to Eureka and got my wife.
Q You never saw your grandfather at all? A Sam Dawson, yes sir,
I saw him.
Q You remember do you of being with him much of any at all? A I
was in Texas in time of the war, with my uncle Riley Dawson,
and he was there.
Q In '60 sometime? A '62, I reckon, or '67, somewhere along there,
it was in time of the war.
Q How old a man was he at that time? A Pretty old man.
Q You never saw your grandmother, she died before she came?
A Yes sir, I never saw her at all.
Q Who first started the citizenship matter, your brother in Texas
or you? A Why it was me, and my brother together.
Q I mean who first conceived the idea? A I first commenced
talking about it.
Q And sent down for him? A I was in Texas with him and then in
Arkansas; I went backwards and forwards a time or two after the war.
Q About that time nearly everybody in Arkansas were trying to get
some claim of kinship to Cherokees? A No sir, not at that time.
Q They were getting pretty thick in there in 1880? A Well in 83
and '84 and '85 I think.
Q Been very excitement over there to get yourselves on the rolls?
A Just got to be everybody; but it wasn't at the time we were
admitted there was not much stir about the rights here.
Q Well the Watts had been admitted before that? A I suppose they
had; there was not much excitement over the Watts claim at that
time.

BY MR. HASTINGS:

Q You did locate and heard with Sam Shabler when you first came to Tahlequah in '81? A I think I did.

Q Your brother Buck Dawson stayed there also? A Yes sir.

Q Sam Shabler lived in the north end of town, old Barrant. A Yes sir, old German, lived in the lower part of town.

Q Did you ever hear the names of any other witnesses which you stated perhaps testified in your case? A I have heard this but I have forgot them.

Q You don't recollect any name now? A I don't remember them now sir.

Q In the Irene House case and Joanna Barber case, in which you testified before the Commission, when you were making search for this testimony you couldn't find any other testimony from that of record except the Dr. Baker testimony, could you? A That's all we could find; no we didn't find the testimony, we got a copy.

Q Well it must have been a copy of the original; the certificate shows that? A I don't know; House got a copy of what claimed to be the affidavit of Baker and he told me to give it to him; that is all I know about it.

Q Well the certificate there does not bear my certificate does it? A I don't know about that, I am no scholar.

Q Well you didn't get the testimony of any other witnesses except that of Dr. Baker; you couldn't find any other over there of record? A I didn't hunt for any; House hunted for them.

Q None of you have ever been able to find any other? A No. Not even find our petition.

Q Samuel H. Dawson applied to what is known as the Adair Court, didn't he? A I don't remember now.

Q He was an uncle of yours wasn't he? A Yes sir, claimed to be.

Q The father of these two parties who testified here this morning? A Well I don't know, they claimed to be, I never let them to know them.

Q He was rejected by the Adair Court, or Hayes Court? A I don't know whether he filed his petition.

Q Did you testify in his case? A I don't remember; I might have done it.

Q Didn't you testify in the Andrew J. Dawson case before what is known as the Hayes Court? A I don't recollect, if I did I don't remember.

Q Did you testify in the Riley Dawson case? A No sir, not that I remember.

Q Didn't you know of his being rejected by that court? A I don't remember, sir.

Q You know that the Cherokee Council never authenticated the roll of 1896, don't you? A No sir, I don't know it; I didn't know this was done until I went to Tahlequah after some papers and come back and they told me about it.

Q You never found out that C. H. Taylor was a big rascal up until the present time have you? A (No response)

Q The records here show that he has been in the constant employment of your family from that date up to this time? A Why it shows here from the record; I would rather be excused for my part of it.

Q You were the man that had the most to do with it? A I never employed him, I can say that.

Q You are the man that had most to do with the records? A In my case and in my father's case.

Q Didn't you testify for your uncle Jim Dawson? A Yes sir.

Q Wasn't he attorney for him? A Yes sir.

- Q Wasn't he employed by J. H. Dwyer after you got your citizenship?
A Why not but the grand-children.
Q J. H. Dwyer's petition was filed in September 1883, after yours?
A Yes sir.
Q C. H. Taylor, attorney of record, filed his petition? A He
right have filed it for all I know.
Q Well you hadn't at that time fallen out with C. H. Taylor had
you? A Why no, we never did have any trouble, only over this money,
he never would give it back to me or give it to Bryant.
Q You never discovered that he was such a bad man until after your
judgment was rendered? A I know he was not of good character.
Q Are you and Bryant, this man who testified for the Cherokee
Nation, on speaking terms? A Hardly speak.
Q Does he refuse to speak to you? A Sometimes he does.
Q Do you refuse to speak to him? A Yes sir.
Q Have you been speaking to him for the last two or three months?
A I have not spoke to him until I met him here at the hotel the
other day.
Q First time you spoke to him since he had the boy arrested? A Yes
sir.
Q When did he have the boy arrested? A Along in September or
October, September I think.
Q Then did Dr. Baker die? A I don't remember.
Q You don't remember how much older your father was than you?
A No, I don't know.
Q What is your age? A I will be 60 in May.
Q Then you were born in '42? A Yes sir, '42 according to the
record.
Q Was your father as much as 25 years old when you were born?
A I couldn't say.
Q What was your best judgment? A I suppose he was 20 or 25
years old. My understanding he married young.
Q Can't you give any better idea than 4 or 5 years of your father's
age? A I say 25.
Q Your father was born May, 25 from 42 would have made him be born
in 1817; now had your father any older brothers or sisters? A I
think Jack Dwyer was the oldest of the family, no, Betty, the girl,
was the oldest and Jack next, and then my father as well as I
remember about it.
Q There were two girls older? A No, one of the girls I never saw.
Q Then you think there are only 2 older than your father? A Yes,
that's my understanding of the family.
Q Dr. Baker gives his age 73 in '32, which would make him be born
in '89, now he states that when he was 15 or 16 years old, which
added to 1809, will make 1824, that your grandmother Anna Pruett, was
a school girl; whereas from your testimony and that of the family
history introduced here shows that your grandmother Anna Pruett
was the mother of seven children, the youngest being born in 1823,
how do you reconcile that? A I don't remember about the statement
of Dr. Baker; I don't know that he made such statement as that,
I can't remember about it.
Q And if he did you don't know how to reconcile it? A (No response.)
Q Did you talk to any of the members of the Court that admitted
you? A No sir, I was not acquainted with them.
Q You know whether they were old or young men? A They were old
men like: Steve Tenace, I got acquainted with him afterwards, and
Tomie Thompson, at the Council you know I was there a good deal.

Q That was the fellow that was on the court? A Yes sir.

Q He was afterwards assistant chief of the Cherokee Nation?

A Yes sir.

Q Steven Towner, that's the man you had reference to? A Yes sir, I think it was. I just know the man; I had no acquaintance with him at all.

Q D. F. O. Duncan boarded when you were down there at the National Hotel? A I think he did, as well as I remember any when we were admitted.

Q Don't you know he did? A I think he did, as well as I remember.

Q Were not you ever there to his request? I think I was.

Q You remember when it was that you brought Dr. Baker down there to make a statement before the court? A It was in January, 1888, was in January term of 1888 I believe, it was, as well as I remember about it.

Q Well you didn't take any more testimony after Dr. Baker testified?

A No sir, I didn't.

Q But your case was not submitted or passed upon for a year?

A I think it was, yes sir, as well as I remember.

Q I would like to ask you when the Blasingame family came to the Cherokee Nation? A Alex Blasingame came with us when we moved here, and went back and got his family and moved that fall.

Q Did he move his family here that year's fall? A Yes sir.

Q That year, as that? A In the fall of '83 I believe it was, as well as I remember now.

Q When did the Sulaska family come? A I think the girl and the old lady came in the next spring.

Q How long did they remain that time? A The old lady stayed here, but the girl went back and in a short time her and her husband come back.

Q Did she come back until after her marriage? A No, she was married when she come first.

Q The last time? A She was married I think, she was married when she come out.

Q How long has August Sulaska been a permanent and continuous resident of the Cherokee Nation? A I think he come there in the fall of 1884 or 1885, I won't say which.

Q How long has Robert Pierce been a continuous resident of the Cherokee Nation? A Ever since he was admitted.

Q When was that? A '83.

Q How long has Martin L. Patterson? A Ever since he married his wife, and he was living here before he married his wife.

Q Who is Arizona Alvey? A That is my daughter.

Q Did you bring her with you? A No not when I moved.

Q When did she come? A She come out in a year or two after I moved here.

Q Was she married when you moved here? A No sir, she was not married.

Q She was not married when you were admitted? A No sir, she was a child.

Q When did Jim Lowe come to this country? A With his grandfather, James Dawson.

Q What was his mother's name? A Melvina Dawson.

Q You know Jim Lowe's age? A No sir.

Q Don't know how old he was in '83? A No sir.

Q How he grown? A I think he was.

Q Married? A No no.

Q Married in this country? A Yes sir.

Q Was he James H. Harpant? A Married one of the Jackson girls.

Q When did they come to this country? A Right away after they was admitted.

Q In what year? A I think in winter of '84, I think it was, spring or winter of '84.

Q And how did you meet them? A Yes sir.

Q And he his father? A Missouri, Mr. Graham, formerly Missouri and Kansas.

Q And he come from Texas to Arkansas? A So from Texas.

Q Did you know them in Texas? A I knew the girl.

Q You never knew them until they come to this country? A I never knew him.

Q When did you see him after? A I think they come here in the fall or winter of 1884 or '85.

Q He was married then? A I think he was.

Q Brought his wife? A I think he was, I don't know.

Q Did he have any children when you first saw him? A He come to my house and I never saw his family for I don't know, for several years.

Q You understood he had a family? A Yes sir.

BY MR. McKENNON:

Q Did you read to my '84 or '84? A '84.

Q Did you see Mr. Graham in '84? A '84, let me study, say '85.

BY MR. HASTINGS:

Q Did you see him in '85, are you positive on that proposition?

A I think so.

Q Will you swear it? A No sir, I won't positive swear it, but I think it was, and I remember how it was; I couldn't say positive.

Q All the people Mr. Dawson that have been admitted to citizenship by courts of competent jurisdiction unless they were de-citizenised by courts of acquired jurisdiction, enjoyed the same privileges that you have narrated here about going to school and being tried in the courts? A Yes sir.

Q All that sort of thing that you have been telling here in your direct examination? A Ask me the question again.

Q I say all people who were admitted here by courts of competent jurisdiction, until they were de-citizenised by courts of like jurisdiction, enjoyed the same privileges that you did? A So far as I know they was.

Q They all worked money and all tried in the courts as long as we had tribunal courts; were they not? A Yes sir, so far as I know.

Q There was no special privilege granted to you in preference to anybody else? A None but recognized citizens of the Cherokee Nation.

Q Well you had been recognized since you were admitted? A Yes sir, I enjoyed the same privileges of native born Cherokees.

Q Well I say there is nothing special about it? A No, I don't know as there is.

Q You got acquainted with Mr. Dawson while you were up there during the hearing? A Yes sir, I was acquainted with him, knew him, knew I saw him.

Q Mr. Will Ross did the examination of Dr. Baker? A Yes sir.

Q Did you file any other paper before the Court other than your petition and then Dr. Baker's statement? A I never filed any petition there at all.

Q None whatever? A I don't remember any.

Q Well you never had occasion to file any papers before Mr. Dawson? A I got him to do some writing for me.

Q That's a letter to my brother in Texas.

Q Buck Dawson? A Yes sir, B. Dawson.

Q That? A Yes sir, Buck Dawson.
 Q Well is that all he did for you? A I don't remember any about it.
 Q Why didn't you get your attorney to do that letter writing? A There was not any there.
 Q Taylor nor Benge was not there then? A No sir.
 Q That is what you paid the 80 or 85 dollars for, was writing this letter back to your brother? A I paid him for that claim.
 Q When did you pay that? A I think I paid it, I don't exactly when; Camp Taylor paid it a year or two after I moved out here and settled where I did; right have been 2 years. I don't remember.
 Q Where was Duncan living then? A I couldn't say where.
 Q Was he still clerk of this Court? A No sir, not when that money was paid; that is, when Camp Taylor said he paid it.
 Q You did send Camp Taylor some money? A I sent some money to him for Joel Bryant.
 Q You know Joel Bryant's address didn't you? A No, I don't know that I did, No I didn't send Camp Taylor any money, I gave it to him.
 Q How much did you give him? A One hundred dollars.
 Q When? A Right at that time; he claimed it from me as soon as we got our papers; he come onto me and claimed me for Bryant.
 Q You never sent him any then after that? A No sir.
 Q Did you ever see Bryant after that? A Yes sir.
 Q How long after that? A I don't know, a year or two afterwards. a year I believe, my brother wrote, I wrote to my brother about paying Camp Taylor money and he went onto my brother about it and he never paid him until we moved out to this country.
 Q After all that you got him to attend to your uncle Jim Dawson's and the other relatives cases? A The other parties did.

BY MR. McKENNON:

Applicants object to all that part of the witness' evidence in response to interrogatories by representatives of the Cherokee Nation which relates to the character of the evidence upon which the judgments admitting members of the James and Robert Dawson families were admitted, and to the history of the members of the Dawson family, because the same is immaterial, incompetent and irrelevant.

BY MR. McKENNON:

Q One question I omitted to ask you Mr. Dawson, as to the Court at the time the judgment admitting Robert Dawson's family was rendered, who of the judges were present on that day? A They was all three of them, Wolfe, Tohee and Thompson.
 Q Are you positive of that fact? A Yes sir.
 Q You do not know this Andrew Dawson family who applied to the Dawes Commission for Cherokee citizenship, and who stated that they are cousins of some members of your family? A Andrew?
 Q Andrew J. Dawson, who claims to be from Missouri? A How was the question?
 Q You do not know them do you? A I don't know that they are any kin to us.
 Q You don't know that they are related to you at all? A No sir.
 Q This Mary Dawson case, do you know the members of that family? A No sir, I don't.
 Q Don't know who they are? A No sir.
 Q The Rebecca Dawson case? A I don't know her either.
 Q You don't know whether they are related to you or not? A No sir.
 Q If any of these persons are related to you or your family did you have any knowledge of it? A Not as I know of.

Q Joanna Barber, do you know anything about them? A They claim to be kin to me.

Q Where are they from? A They are from Texas.

Q Do you know they are related to you? A They claim to be kin.

BY MR. HASTINGS:

Q Well you were for them before the Commission? A Yes, they claim to be kinfolks of mine.

BY MR. MCKENNON:

Q Irene J. House, who is that? A That is a cousin of mine, claims to be.

BY MR. HASTINGS:

Q You testified for her didn't you before the Commission? A I think I did as well as I remember.

BY MR. MCKENNON:

Q Before the Court that admitted James Dawson and family, who were the witnesses there? A Oliver Miller, from Berryville, Arkansas.

Q Who were the others? A Myself and J. Dawson and there was two other witnesses, I don't remember who they are.

Q Were they Cherokee citizens and residents of the Cherokee Nation? A Yes sir.

BY MR. HASTINGS:

Q You don't remember their names? A Which?

Q Of these other people who claimed to be citizens of the Cherokee Nation and who were witnesses? A I said about me and J. Dawson was citizens of the Cherokee Nation.

Q You only proved that Jim Dawson was a brother of Robert Dawson before the Court? A Yes sir.

Q And then referred back to the decision in the Court before? A We proved that they were citizens, and he knew by folks before us ever come here.

Q Was he older than Dr. Baker? A About the same age.

Q Why didn't you get Oliver Miller's testimony in the House case?

Q He was dead.

Q You and no member of your family in the Irene House case or the Joanna Barber case or any of those cases that were tried before the Dawes Commission in your affidavits ever made reference to the fact that Oliver Miller testified in Jim Dawson's case in '84 did you?

A I don't remember about that.

Q You did make reference to the fact that Dr. Baker testified there in '83, didn't you? A I don't remember about that now.

Q You never made reference to any other witness having testified other than Dr. Baker did you? A I don't remember about it now.

BY MR. MCKENNON:

Q Now just one other question: All of these papers in the original application and everything, so far as you know, in the James Dawson case, were filed before the Commission which admitted the James Dawson family, are lost or mislaid are they not? A I suppose they are, I don't know, I never saw them.

Q Have you tried to get copies of them? A Yes sir, I tried to get the original papers.

BY COMMISSION: This case is continued until 8:30 a.m., tomorrow morning, March 20th, 1903, it now being the hour for adjournment.

MARCH 20, 1903, - 8:30 a. m. - F. L. DAWSON again on the stand, testified as follows:

BY MR. MCKENNON:

Q Where was your brother Jack Dawson raised? A In Arkansas.

Q What County? A Carroll.
Q Near what town? A Berryville.
Q Did Dr. Baker live at Berryville? A Yes sir.
Q Was your brother intimately acquainted with him for many years?
A Yes sir.
Q Did he know him sufficiently to be acquainted with his character and habits of life? A Yes sir.
Q Do you know Josephine Pierce? A Yes sir.
Q Whose daughter was she? A Robert Dawson's.
Q Is she the same identical person who is called Josie Pierce, and Josie Dawson? A Yes sir.
Q Is there any other Josie Pierce or Josie Dawson or Josphine Pierce or Josephine Dawson? A I don't know but the one.
Q She was also called Josephine or Josie Kelly? A Yes, after she married her first husband was Kelly.
Q And her second husband? A Mac Kelly.
Q There was another Josephine Dawson wasn't there, Bulaska's wife?
A Why they called her Joe, I suppose that's her name, I could not be positive; that was Riley Dawson's daughter, August Bulaska's wife.
Q She is much younger than your sister, Josephine, above referred to? A Yes sir, oh yes.

BY MR. HUTCHINGS:

Q Where were you born, Mr. Dawson? A Carroll County, Arkansas.
Q You know how old you are? A 42.
Q 42? A I think so.
Q How many older children were there of your father and mother than yourself? A Three.
Q Which were they? A E. Dawson, Riley Dawson and Jasper Dawson.
Q You are the fourth child and the fourth boy? A Yes sir, fourth boy.
Q Where were your father and mother married, do you know, from family history? A I think it was in Arkansas, I couldn't be positive, I think they was.
Q Do you know how long your grandfather lived in Arkansas? A No sir I don't.
Q Don't know what year he came to Arkansas? A Only from statement.
Q Well what did they say about it? A I think they came there sometime in '30.
Q You know whether your father was born in Arkansas? No many of your grandfather's children were born there? A There was none of them born in Arkansas according to history and according to what he always told me, they were born in Tennessee.
Q He came there in '30, and all the other children were born on the Mississippi River in Tennessee, before he ever came? A That is what I think, yes sir. Now I am not positive about that.
They were from Tennessee, but either Dr. Baker lived there or my folks came from there; I don't know as I remember that I ever heard my father say where he was born at.
Q In Tennessee or where; he said he was a good big boy when he came to Arkansas? A I don't know as I ever heard him say.
Q Do you know the difference in the ages of yourself and your three older brothers? A No I don't.
Q Don't know the time that comes in between you? A No I don't know that; I think it is about two years though.
Q That would make E. Dawson about eight years older than you, probably? A Yes sir.

BY MR. MCKENNON:

- Q Did Josephine Pierce have a daughter who married Mr. Bogler?
 A Yes sir.
 Q What was her name? A I always known her by Papa Pierce; I don't know whether that is her right name or not.
 Q What is Bogler's name? A John Bogler.
 Q She is the child of Josephine Pierce who married John Bogler?
 A Yes sir.

BY MR. HASTINGS:

- Q Where did she marry John Bogler? A Near Afton.
 Q When? A I couldn't state.
 Q About when? A You have got a copy of the marriage license.
 Q When did Josephine Pierce come to the Cherokee Nation? A '83.
 Q Has she lived here continuously since that time? A Up until her death, she is dead.
 Q Any of her children come with her at that time? A Yes sir.
 Q And have they lived here continuously since that time? A Yes sir, except Bill Pierce, he went to Colorado and died.

J. C. STARR, being first duly sworn and being examined, testified as follows:

BY MR. MCKENNON:

- Q Your name is J. C. Starr is it? A Yes sir.
 Q Mr. Starr, was that instrument taken by you, or before you? (showing witness document.)
 A Yes sir.
 Q Where? A At the residence of S. H. Benge; near Fort Gibson.
 Q When? A On the 15th day of this month.
 Q What day of the week was that? A On Saturday.
 Q Is that the day it was taken? A Yes sir.
 Q Did you go there on Saturday to take this? A Yes sir.
 Q Then when Judge Benge stated on Tuesday that it was taken "yesterday" meaning Monday, the 17th, he was mistaken, was he?
 A It was taken Saturday, the 15th.
 Q Was he mistaken or not? A It was not taken then.
 Q Then his statement made on Tuesday the 18th that it was taken on "yesterday", meaning Monday, the 17th, was not correct, was it?
 A I think not, because I was there, and it was taken on the 15th.
 Q And it was taken on the 15th, you are positive it was taken on the 15th? A Yes sir.

- Q Then of course his statement could not be correct? A I guess not.

BY MR. HASTINGS:

- Q He was just mistaken about the date, wasn't he? A Yes sir.

BY MR. MCKENNON:

- Q Did you tell Charles T. Moore who is now present, on last Tuesday that they sent you out there on Monday to take that? A No sir.

BY MR. HASTINGS:

- Q I sent you there last Saturday? A Yes sir.
 Q And you went there at my direction, didn't you? A Yes sir, and come back Saturday night.

ROBERT L. DAWSON, being first duly sworn, and being examined testified as follows:

BY MR. MCKENNON:

- Q What is your name? A My name is Robert L. Dawson.
 Q What is your age? A My age is something close to 30 years old, I am 29 past.

Q Are you a son of E. Dawson, commonly known as Buck Dawson?

A Yes sir.

Q I will ask you if you will examine this letter sent with the enclosure and state whether or not you found that among the papers of your father after his death? A (Hands letter to witness who examines it.) A Yes sir, I found this amongst the papers of my father. He always kept all his own papers, and was looking over them I saw this letter.

Q Has that been in your custody ever since you found it? A Yes sir, if that's the letter that was in the envelope.

Q Well that's what it is, you can tell whether it is or not.

(Witness further examines letter) Q That purports to be a letter from Samuel H. Benge, does it not, to your father? A Yes sir. (Here applicants' attorney hands letter and envelope referred to to attorneys for Cherokee Nation.)

BY MR. MCKENNON: I want to offer this letter in evidence in this case; it is a letter signed by S. H. Benge, attorney at law, dated Fort Gibson, C. N., Jan. 13, 1883. Addressed to Mr. E. Dawson, Esq., together with the envelope, in which it was enclosed, with the card of C. H. Taylor upon it, attorney at law, Tahlequah, Indian Territory, and postmarked Tahlequah, Ind. T., January 13.

BY MR. HUTCHINGS: The Nation objects to the introduction of this letter for the reason that S. H. Benge is living and has testified in this case, and his handwriting should be either proven or denied by himself.

G. W. BENGE, being first duly sworn, and being examined, testified as follows:

BY MR. MCKENNON:

Q What is your name? A G. W. Benge.

Q Are you a son of Samuel H. Benge? A Yes sir.

Q Do you know his handwriting? A I believe so.

Q Is that his handwriting? (Shows witness letter before referred to.) A Yes sir, it is either his or a resemblance of his.

Q To the best of your knowledge and belief is that his letter?

A Yes sir.

BY MR. MCKENNON: Now we offer it in evidence.

BY COMMISSION: (Reading letter)

: "Fort Gibson, C. N.,
Jan 13th, 1883.

Mr. E. Dawson, Esq.,

Dear Sir:- I write this note to inform you that your case came off before the Court on Citizenship on the 11th inst, and was decided in your favor, so you all are citizens of this Nation. F. M. Dawson was furnished with a copy of the decision at the court. He will write to you also. You will please send me fifty dollars as my fee in your case according to contract. Send it to Fort Gibson, Cherokee Nation.

Respectfully yours,

S. H. Benge,

Attorney at law."

Enclosed in envelope, as follows:

Card in upper corner, left hand:

"Return in ten days to C. H. Taylor,

Attorney at law,

Tahlequah, Ind. Ter."

Addressed: "Mr. E. Dawson,

Henryetta,
Clay Co., Texas."

Post-marked: "Tahlequah, Jan 13 Ind T."

ROBERT L. DAWSON, re-called and further examined, testified as follows:

BY MR. MCKENNON:

Q Now examine that and see if that is also a paper which you found among your father's papers after his death? (Hands papers to witness) A That is the same letter that I found.

Q Along the same that you found the Benge letter? A Yes sir.

BY MR. MCKENNON: This is a letter purporting to have been written by J. M. Bryan, to E. Dawson, dated at Chouteau Station, Cherokee Nation, and not dated, which we offer in evidence. (Applicants' attorney hands said paper to Nation's attorneys.)

Q Mr. Bryan is dead is he not? A I think so.

BY MR. HUTCHINGS: We have no objection.

BY COMMISSIONER: (reads letter)

"Chouteau Station, Cherokee Nation,
I. T., M. K. & T. N. R.

MR. Dawson:

Dear Sir:-

I am in receipt of your favor of the 30th inst in regard to our contract.

After I had got the claim so there would be little more to do I employed Campbell Taylor to answer for me when the case came up, for which I was to pay him \$20 out of my fee.

This all the action I had in the matter with Taylor.

I saw Taylor in Washington last month, and he told me that your brother had made another contract with him, and paid him, or that you was to pay him \$100- and that you had offered him a check on some bank in Texas.

That \$100- matter with Taylor, I have nothing to do with, nor couldn't have if I wanted to.

I hope Mr. Dawson this letter will explain the matter fully.

And I am satisfied that you are apprised of the earnest work I done for you. Please write to me.

Very respectfully,

Very truly,

J. M. Bryan."

Q I will ask you if you know of your father having paid Bryan that money? A Yes sir, paid him a horse and some other money.

BY MR. HUTCHINGS:

Q How old was your father when he died? A He, I don't know whether I know his age or not.

Q If you don't know you can't say? A I wouldn't have no reason to know his age; never asked his age; of course I guess my father knowed.

Q Never had occasion to talk about his age at all? A Oh I have heard him speaking of his age at different times, but then I never paid enough attent on to it.

Gid Graham, being first duly sworn and being examined testified as follows:

BY MR. MCKENNON:

Q What is your name? A Gid Graham.

Q How old are you? A Mr. Graham? A I am 35 years old.

Q How long have you been living in the Territory? A I came out here in 1887 or '88.

Q To the Cherokee Nation? A Yes sir.

Q How long have you been living in the Cherokee Nation, what year was that '87 or '88? A Yes sir.

Q Have you resided here continuously from that time ever since in the Territory? A Yes sir.

Q How long did you live in the Cherokee Nation? A About 6 years.

Q Where did you go then? A Wagoner.

Q In the Creek Nation? A Yes sir.

Q And been residing there ever since? A Yes sir.

Q In business? A Yes sir.

Q Have you all the while been recognized as a citizen of the Cherokee Nation? A Yes sir.

Q Mr. Graham, do you know Judge Samuel H. Bengt? A Yes sir.

Q Did you have a conversation with him in Fort Gibson about September of 1900? A Well as to the exact time I couldn't say, it was sometime about the time that the Dawes Commission were at Sallisaw, or possibly a little later, somewhere about there.

Q Taking the census of the Cherokees? A Yes sir.

Q At that time had the question of the validity of the judgment of the Cherokee citizenship commission admitting Robert Dawson and family been called in question? A Yes sir.

Q Did you talk to him about the facts concerning the obtaining of that judgment? A I did.

Q What did he tell you about it; well I will just ask you, did he then and there tell you that that judgment was regular and all right nothing wrong with it? A He did.

BY MR. HUTCHINGS:

Q You were looking around for testimony at that time, Mr. Graham, were you? A How was that?

Q You were looking around for testimony at that time, expecting this case to be questioned? A Since the validity of that judgment had been attacked by the authorities of the Cherokee Nation, I thought it was well to look into the matter.

Q And he told you the judgment was all right? A Having known that Mr. Bengt was connected with the case, I saw him in Fort Gibson, subsequent to that time and asked him about it, if there was anything wrong about the matter, and also that I might want his affidavit concerning the matter, and I also I think maybe wrote to him; possibly prior to that, I am not sure as to the writing, but I think possibly I did.

Q Did he tell you he would make an affidavit? A I don't think at that time that I asked him for an affidavit. I thought as he lived right near here I would use him in person; he assured me that everything was all right.

Q Your mother was Missouri Dawson was not she? A Yes sir.

Q Her name was Missouri Graham when she was re-admitted to citizenship? A Yes sir.

Q And was not Missouri Dawson as named in that judgment? A Yes sir.

Q Do you know whether the other children named in there had married and changed their names also at the time they were admitted? A There were not any of them married.

Q Ella Dawson was your aunt? A Yes sir.

Q Was she married at that time? In 1883? A Yes sir.

Q Melvina Dawson, was she married at that time? A Yes sir.

Q And the fourth one you have mentioned, Missouri Dawson, was your mother? A Yes sir.

Q Can you give us the exact date of your birth? A Yes sir.
Q Do so, please? A January 21, 1867.
Q And you came to the Territory when? A In 1887 or 1888.
Q You can't make that any more definite? A Well sir, it has been a good while ago, and I didn't have anything to cause me to.
Q Well I just want to know whether you did have or not? A No sir.
Q When were you married? A 1886.
Q You were married prior to coming here? A Yes sir.
Q Your first child born away from here? A Yes sir.
Q What is its name? A John W.
Q '86 you were married, and he was born about the spring of '87?
A Somewhere in 1887, I don't remember.
Q Prior to your coming here? A Yes sir.
Q That is the only child you had that was born away from here?
A No sir, Julius.
Q Julius was not born in the Territory? A No sir.
Q And prior to the time of your removing to the Territory? A Yes sir.
Q These are the only children born out? A Yes sir.

BY MR. McKENNON:

Q Do you know Campbell Taylor? A Yes sir.
Q I will ask you if about February 1901, he came to Wagoner, and sent his son to have you come to the hotel at night where he was, and if he then and there said to you "You people are on the doubtful list, and if you will give me five hundred dollars I will make it all right and see that you are enrolled, and if you don't I will see that you don't get on".? A Well now as to the first part of that question, where you say he sent his son; that is an error; I don't know whether he came to my house or sent some one; when I returned home that evening my wife told me there was some one there to see me, and was at the city hotel at Wagoner, and said come down and see him; I went down there; I never had met Taylor; he introduced himself to me and stated what his business was; asked me if I was on the doubtful list, etc., to which I replied that we were; he asked me if I didn't want to employ him, stating that if we would give him, our family would give him five hundred dollars he would see that we were placed on the rolls all right, but if we refused to give him five hundred dollars that he would use his influence against us and see that we were rejected.
Q You never had met him before, or had any communication with him?
A I never met him before; as to the communication, I may have written him something about his affidavit as to the validity of that judgment, I can't say as to that. He said in his testimony that I did; I don't know whether I did or not now.

BY MR. HUTCHINGS:

Q You knew he was the attorney in the case, originally? A After looking at the records I did.
Q I mean you knew it at the time you wrote to him about the affidavit; that was the reason why you thought he would know something? A Certainly.
Q He never told you he was going to swear against you or threatened to tell anything that was not true? A He just simply said unless we gave him that five hundred dollars he would see we were all put off the rolls.
Q Said he would use his influence against you, that is what he said? A Yes sir.

BY MR. HASTINGS:

Q You don't deny writing to him then for the affidavit? A I don't say I did or I did not; I neither affirm it or deny the question.

Q You went to Captain Range and also wrote him with reference to what he knew about the case? A I don't know whether I wrote him or not. I said I was under the impression I wrote him now.

Q You went to see Aaron Butler, who was interpreter before that court that admitted you? A Yes sir.

Q And you went with Aaron Butler to see Jim Smith, attorney before that court? A Yes sir.

Q And you either wrote or went to see everybody you knew of that was before that court then? A Yes sir.

Q That shows you used considerable activity? A Yes sir, I used such activity as was so by interest.

BY MR. MCKENNON:

Q That was all after the representatives of the Cherokee Nation objected to the enrollment of the Dawson family and by reason thereof such as had a record before the commission had been placed upon a doubtful card? A Yes sir.

Q Then you began to look up the evidence and see what there was in it? A Yes sir.

Q As Mr. Hastings has stated? A That's right.

BY MR. MCKENNON:

Q You are a grandson of James Dawson? A Yes sir.

Q The old gentleman? A Yes sir.

Q About what was his age when he was admitted to citizenship in the Cherokee Nation, in 1834, wasn't it? A Yes sir, well I can't be exact as to that.

Q Well as nearly as you can? A He was somewhere about 70 or 72, years of age.

Q Well what other James Dawson did you know belonging to the families, either one of these families, Robert Dawson family or the James Dawson family? A I never knew of but two James Dawsons.

Q Who were the others? A Dr. James R. Dawson, who is present and standing right here; my grandfather, James Dawson.

Q Was there in '84 any James R. Dawson 35 or 40 or 45 years old, that you know of, belonging to either one of these families?

A No sir.

Q Do you know how old Dr. James R. Dawson was that that time?

A James Dawson? Q No I am speaking of Dr. James R. Dawson? A Oh, how old he was, no sir, I do not.

BY MR. HUTCHINGS:

Q Do you know who was here attending to your mother's citizenship case at that time, at the time they were admitted? A Yes sir, James Low and Bill Jackson, son of Ellen Jackson.

Q Who was W. A. Dawson? A That is Wilburn, my uncle.

Q Was he here? A I don't know sir.

Q You were not here any of the time? A No sir.

Q You knew your grandfather then, you had lived in the same neighborhood with him? A Yes sir, I knew him well.

Q He didn't die for a year or two after that did he? A After when, Mr. Hutchings?

Q After his admission to citizenship? A No sir, he didn't die I think until '91 or '90, several years after.

Q Very old man when he died? A Yes sir.

BY MR. MCKENNON:

Q About what age? A He was approximately 80 years old.

BY MR. HUTCHINGS:

Q When he died? A Yes sir.

POOR ORIGINAL -
BEST AVAILABLE COPY

BY MR. HASTINGS:

Q That about 1891? A I think so, yes sir.

BY MR. McKENNON:

Applicants object to the testimony of the witness elicited by interrogatories of Counsel for the Cherokee Nation relating to his family, their history, etc., as being immaterial, irrelevant and incompetent.

James R. Dawson, being first duly sworn, and being examined, testified as follows:

BY MR. McKENNON:

Q Your name is James R. Dawson? A Yes sir.

Q Where do you live? A Arton, Indian Territory.

Q What is your age? A 45.

Q You are a physician are you not? A Yes sir.

Q Was James Dawson, whose family was admitted in 1884, an uncle of yours? A Yes sir.

Q Do you know what his age was at that time? A No sir, I do not, only approximately.

Q State as nearly as you can? A At the time of the admission?

Q Yes sir? A About 70, I don't know exactly.

Q How old was he when he died? A I would suppose he was about 78.

Q What was your age in 1884? A I am 45.

Q What year were you born, Doctor? A I was born in '55.

Q Must have been '56? A Yes sir, that's right.

Q What was your age then? A In '84?

Q Yes sir? A About 28.

Q Were you present at the time that James Dawson family was admitted, or at any time while their case was pending before the Cherokee citizenship commission? A Not while the James Dawson case was, no sir.

Q You were present during your father's case? A I was there at the time.

Q When was that? A The dates I disremember; when the case first came up, I disremember the exact date.

Q How long were you there? A I was there about a week.

Q Was that when it first came up you say? A Yes sir.

Q Nothing was done? A No sir.

BY MR. HUTCHINGS:

Q You never saw Dr. Baker? A Yes sir.

Q Did he and your uncle Jimmie used to talk about how they played together when they were boys? A My uncle Jim and Dr. Baker talk?

Q Yes? A I never saw them together.

Q They were about the same age? A Yes sir, I believe Dr. Baker was 15 years older probably.

Q Dr. Baker must have been mistaken about his own age? A Guessing, that's all I know about his age.

Q The Doctor had been paralyzed, rather a decrepit looking man at the time he was over here at this citizenship business? A No sir, not as I know anything about.

Q He was near about 70 then? A I couldn't tell you, he was an old looking man.

Q Your uncle Jimmie was about 70? A Yes sir.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

W. W. HASTINGS, being first duly sworn, and being examined testified as follows:

BY MR. HUTCHINGS:

Q State your name? A W. W. Hastings.

Q Residence? A Tahlequah, age 35.

Q You are attorney for the Cherokee Nation in the general preparation of these cases? A Yes sir.

Q Just state how it happened that you summoned Mr. Campbell Taylor, and what occurred between you with reference to his testimony?

A Well there had been some talk, as the testimony here indicates, that there was perhaps fraud in the admission of this family, and by agreement with counsel on the other side, and the Commission, this case was set for the 17th day of March, and some short time prior to that, as the attorney for the Nation I began to make some preparation or inquiry into the case, and I wrote a great many letters around to different people and among them I wrote C. H. Taylor to come down here. I don't think in that letter that I told him what I wanted with him. I don't think I told him the case that I wanted him to testify in; that is my recollection now.

Mr. Taylor prior to that time, neither directly nor indirectly, so far as I know, ever gave me any information voluntarily against this family, or ever said anything that would lead me to believe that he knew anything of a fraudulent character connected with it. But I summoned him; perhaps the fact that I knew he had been connected with them in some way and that I perhaps also would get some information from him. Well he came in response to a letter that I wrote, and I took him up to my office. I talked to him quite a long while. He was exceedingly reluctant about giving any testimony whatever, he told me first and last that he didn't intend to testify before the Commission. He told me he had been attorney for these people, and he didn't believe he could be compelled to testify, and that is he was put upon the stand he would claim that privilege, and he didn't believe I could force him to testify. I talked to him at some considerable length; I asked him what he knew about it; of course he for a long time declined to tell me; and what information I did get from him was by piecemeal. He was exceedingly reluctant all through the interview to give any information. I asked him finally though that if the Court compelled him to testify when he got before the Commission, if he would tell the facts about it, and he said that he would. I told him then that I would subpoena him.

Well we talked quite a good while and finally after always telling me that he intended to claim that privilege, and never wanting to testify, he detailed to me the facts just as he told them on the stand; I don't believe there is the slightest variation, except that he perhaps was not so full at that time and it was told by piecemeal, but I got all those facts out of him, or very nearly all those facts out of him. He may have elaborated a little more here by examination; but he never voluntarily gave me any information at all, either directly or so far as I know indirectly. I don't think he sent any one to me. I got his name because I heard he was connected with the case, and perhaps knew something about it, like I did a great many other people, some of whom I didn't bring, because they didn't know what I supposed they did know about the case.

With reference to S. H. Bengé, I want to state that he never voluntarily gave me any information at all about this case, nor did I know that he knew anything in connection with this case until I sent J. C. Starr over to S. H. Bengé's place to take his affidavit on Saturday, March 13, in the W. H. and J. W. Shoemaker case, and their descendants. I had heard that Mr. Bengé knew some important facts in connection with the Shoemaker case and I sent him over there then to take that affidavit; and when Mr. Starr came back he told me that he knew some facts also in connection with these other cases, and I was surprised to find he had instead of one affidavit, in the Shoemaker case, that he also had another affidavit in the Dawson case. That is the first information I had that Mr. Bengé knew anything whatever in connection with the Dawson case, and therefore he never voluntarily, either directly or indirectly, gave any information prior to that time to me.

I impressed upon Mr. Taylor that the Nation only wanted the absolute truth in this matter; that it was not seeking anything else but the truth, and didn't want him to tell anything else but the truth.

I want to say again that after he was on the stand and left that evening, and after Captain McKennon, or counsel for the family, had indicated his willingness for Mr. Taylor to testify, that he went over all of these facts that he testified to on the stand subsequent to that time in the presence of J. C. Starr in my office. I simply wanted to go on the stand for the purpose of showing that Mr. Taylor hadn't voluntarily given me any information, and

I make this statement for that purpose.

BY MR. MCKENNON:

Q You had no power to compel him to give you any information at that time at all did you? A No sir, none other than the persuasion that I brought to use.

Q He therefore did it simply upon your persuasion? A Yes sir.

Q You knew he had been acting as attorney for these parties?

A Yes sir, I had seen from the record that he did too.

Q And he told you so? A Yes sir.

BY COMMISSION: The attorneys for the applicant and the representatives of the Cherokee Nation will be granted thirty days from the receipt of the transcript in this case in which to file a brief in this case with the Commission.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) M. D. Green.

I, Arthur G. Evans, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the foregoing, and that the same is a true and complete copy of the original.

Arthur G. Evans

Subscribed and sworn to before me this 18th day of December, 1902.

B. C. Jones
Notary Public

SEP 10

Edw. Davis

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKENRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 1st 1902

Henry T. Richardson,

Owasso, Indian Territory,

Sir:-

You are hereby notified that the application of yourself, your wife and
nine minor children

for enrollment as citizens of the Cherokee Nation will be taken up for final consideration by the
Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the
17th day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney,
when an opportunity will be given you to introduce any additional testimony affecting your applica-
tion.

You are further notified that the Representatives of the Cherokee Nation will also, at the same
time, be afforded an opportunity to introduce testimony tending to disprove your right to enroll-
ment, but said Representatives will be required to notify you of their intention to introduce such
testimony before they will be permitted to do so.

Cherokee D-716
Register.

Yours truly,

Acting Chairman.

J

D 715

DEPARTMENT OF THE INTERIOR,
COMMISSION FOR THE UNDEVELOPED RESOURCES

FILED
FEB 1 1902



ACTING CHAIRMAN

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Memorandum D. I. Feb 26 1908

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Henry J. Richardson et al for enrollment as
~~member~~ of the Cherokee Nation.

Verifiers

No. 200,215

A. S. M. C. C. C.
Atty. for applicants.

NOTICE!

IN THE MATTER OF the application of Henry T. Richardson et al
for enrollment as Cherokee citizens:

Case No. D 715

To Henry T. Richardson et al *Quasra L. J.*

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of

Indian Territory, on March, 17, 1902. or from day
to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this March, 16, 1902.

M. W. Harrison
Attorneys for the Cherokee Nation

D. 7/3

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190

Given under my hand this
day of A. D. 190

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

..... day of 190

.....
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

.....
on the day of A. D. 190

.....
Subscribed and sworn to before me
this

.....
Notary Public.

Refer in reply to the following:

Land 13800-1903. Department of the Interior,
Office of Indian Affairs,
Washington, October 16, 1903.

COPY

CHEROKEE B. WILLIAMS

FRANCIS M. DAWSON ET AL., GROUP xll.

The Honorable

The Secretary of the Interior.

Sir:

Referring to office report of even date, transmittng the record relative to the applicants parties to Group 1. of the consolidated case of Francis M. Dawson et al., applicants for enrollment as Cherokees, there is enclosed herewith the record relative to the parties applicants to Group Xll. ---

D 401, Group Xll, page 1.

Illie T. Dawson applies for enrollment as an intermarried citizen.

D 406, Group Xll, page 4.

Texanna Woolley applies for the enrollment of herself and her minor children, Irene and Willburn E. Woolley as citizens by blood. Willburn E. Woolley was born subsequent to the date of his father's application. He is identified by birth affidavit.

D 713, Group Xll, page 9.

John T. Dickson applies for enrollment as an intermarried citizen, and for the enrollment of his wife, Alice, and their

minor children, Leilah L., and Minnie T. Richardson, and for his minor step-children, Edgar, Walter, Alice, Laura, Oscar, Claude, Edna and Florence Flourney as citizens by blood. He also applies for the enrollment of his minor child, Jasper C. Richardson, who was born subsequent to the date of his application. This child is identified by a birth affidavit. Florence Flourney is embraced in the application of Elbert L. Moran, (D 737, Group XIII.), and will not be considered in connection with this group.

P 12, Group XII. page 20.

Alta Bruer applies for the enrollment of herself as an intermarried citizen.

P 13, Group XII page 21.

Alissa A. Dawson applies for enrollment as an intermarried citizen.

The Commission, in its decision of December 30, 1902, held that all the parties to this group were entitled to enrollment as citizens,-- Willie T. Dawson, Henry T. Richardson and Alissa A. Dawson as citizens by intermarriage, and the others as citizens by blood.

Willie T. Dawson, (Group XII page 1), the record shows was married to A. A. Dawson, October 1893, and A.A. Dawson was admitted to citizenship in the Circuit Court of the District of Columbia by the Commission or Court, October 2, 1894. A certificate of citizenship was issued to her on the 1st of July, 1894.

Henry T. Dawson (Group XII page 1), the record shows of A. A.

Dawson, by his former wife. W. A. Dawson was admitted September 9, 1884, and he died October, 1899. Texanna Woolley was married to James Woolley November 27, 1877. She was a minor when her father was admitted to citizenship. Her name appears on the 1894 pay-roll.

Henry T. Richardson, (Group XII, page 9), July 11, 1886 was married to Mrs. Sellar, or Stella, or Sella Dawson, in accordance with the Cherokee laws. She was a daughter of W.A. Dawson, who was admitted September 9, 1884. She was a minor at the time her father was admitted. Her father died October 1899. She died about 1892. In September, 1894, Henry T. Richardson married his present wife, Kitty Richardson, formerly Flourney. His present wife's maiden name was Dawson. Kitty Richardson, formerly Flourney nee Dawson, was admitted to citizenship in the Cherokee Nation by act of the National Council, December 1, 1894. Delilah Richardson is the child of the principal applicant by his first wife, Sellar Richardson. Vinie T. and Gus or C. Richardson are children of his wife, Kitty Richardson. Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flourney are children of Kitty Richardson by her former husband. Delilah P. Richardson is identified by the 1896 census roll. All of the Flourney children except Edna, appear to be identified by the 1894 strip payment roll. Sellar Dawson, first wife of the principal applicant, was a daughter of W.A. Dawson, who was admitted to citizenship September 9, 1884. She was a minor when her father was admitted.

Etta Brauer, (Group XII. page 10), is a daughter of W. A.

Dawson who was admitted to citizenship September 9, 1884. She was a minor when her father was admitted. She is identified by the Cherokee census roll of 1890. She has resided in the Cherokee Nation since 1884, except that she has temporarily been absent from the Nation at different times.

William A. Dawson, (Group XII, page 143), was the first wife of W. A. Dawson, who was admitted to citizenship in the Cherokee Nation September 9, 1884. (She is identified by the 1890 census roll. She has resided in the Cherokee Nation since 1884, except that she has been temporarily absent therefrom several times for the purpose of securing employment. W. A. Dawson died in October 1899. This⁹ applies to the law regarding her, however, being divorced.

The divorce was granted on May 3, 1890. The divorce has not been reversed since the divorce was granted, and the Supreme Court of the Cherokee Nation in the case of William A. Dawson vs. W. A. Dawson, also called William A. Dawson, this applicant, was a citizen of the Cherokee Nation by virtue of her marriage with W. A. Dawson.

In connection herewith, the Hon. J. R. Ragsdale, I visited the office records of the Nation, to examine Group 1 of this consolidated case, and for the reasons therein stated the office records as they now stand, do not indicate, that it is so far as it relates to the applicant of William A. Dawson, and I identified the William A. Dawson, who was the first wife of William A. Dawson.

Very respectfully,

J. A. Jones.

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 84

Department of the Interior,

Washington.

Apr. 31, 1994.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

In said decision you disposed of all these applications except that of Florence Flourney, who is included in application D 737, Group XIII, as Florence Jordan. You held that all of the applicants referred to above are entitled to enrollment as citizens of the Cherokee Nation.

Reporting in the matter October 16, 1904, the Commissioner of Indian Affairs recommended that your decision be approved, except as to these applicants claiming enrollment by intermarriage. As to these applicants claiming by intermarriage, no action will be taken at the present time.

The record has been examined in detail respecting the applicants claiming by blood, to determine the origin of their rights, whether by birth or adoption. An examination has also been made in respect to their enrollment in the Cherokee Nation, and their qualification as citizens thereof, whether by enrollment or by birth or adoption. This investigation sustains the Department that your decision is correct as to those applicants claiming by blood. You are accordingly directed to enroll them as citizens of the Cherokee Nation.

The question of Grand in its relation to the Lawson case was considered by the Assistant Attorney General. In an opinion of February 16, 1904, copy of which is sent to Bureau of Indian Affairs, February 16, 1904.

A copy of the Commissioner's letter of October 17, 1904, relative to this case, is enclosed.

1 Enclosure

Very truly,

Wm. H. Hall,
Secretary.

Tahlequah, Indian Territory. May 21, 1904.

Commission to the Five Civilized Tribes,
(Cherokee Division),
Muskogee, Indian Territory.

Gentlemen:

There are enclosed herewith cards, jackets and records
in the following Cherokee Doubtful cases:

William C. Lennox D-847
James H. Harmon D-476
Lissie Jackson D-830
Henry T. Richardson D-715
Hiram F. Weddle D-821
Alonso M. Fishback D-845
George A. Mabry D-979
Ida Blasingame D-833
Mary A. Blasingame D-834

Decisions have been rendered and all applicants in these
cases, except intermarried applicants, have been transferred to
cards as indicated by notes. The jackets and cards are forwarded
to the office at Muskogee to be retained until such time as the
intermarried applicants can be disposed of.

Respectfully,

MEB
Encl R-112

Commissioner in Charge
Cherokee Land Office.

D.C. 83840-1906.

(COPY)

Y. PL

DEPARTMENT OF THE INTERIOR
WASHINGTON.

LLB

I.T.D. 7442, 7444,
7446, 7448,
7450, 7452,
7454, 7456,
7458, 7462,
7464, 7466,
7906-1903.

December 4, 1906.

L.R.E.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In accordance with the decision of the Supreme Court of the United States in the case of Daniel Red Bird et al., citizens of the Cherokee Nation by blood, and Francis B. Fite et al., claiming to be entitled to citizenship in the Cherokee Nation by intermarriage, the applications for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (formerly Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Waddle, Alonzo M. Fishback, Lizzie Jackson, and George A. Mabry, as cit-

izens by intermarriage of the Cherokee Nation, mentioned in letter of the Commission to the Five Civilized Tribes of February 25, 1903, submitting the record in the consolidated case of Francis M. Dawson et al., are rejected. See eleven departmental letters of March 31, 1904, and letters of April 8 and 13, 1904.

The papers still remaining in the Department have been returned this day to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

23 inc. to Ind. Of.

Cherokee
D 715.

Muskogee, Indian Territory, December 19, 1906.

Henry T. Richardson,
Owasso, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was reversed by the Secretary of the Interior, December 4, 1906, and your application denied.

Respectfully,

Commissioner.

LMC

Cherokee
D 324 et al.

Muskogee, Indian Territory, December 19, 1906.

A. S. McKennon,
Attorney for Katie Dawson,
South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the applications
for the enrollment of Katie Dawson, et al., as citizens
by intermarriage of the Cherokee Nation, were denied
by the Department December 4, 1906.

For your information, there is enclosed here-
with a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. W-10
S.W.

Cherokee
D 324 et al.

Muskegee, Indian Territory, December 19, 1906.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskegee, Indian Territory.

Dear/Sir:

You are hereby advised that the applications
for the enrollment of Katie Dawson, et al., as citizens
by intermarriage of the Cherokee Nation, were denied
by the Secretary of the Interior, December 4, 1906.

For your information, there is enclosed here-
with a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.W-11
S.W.

1902

LC

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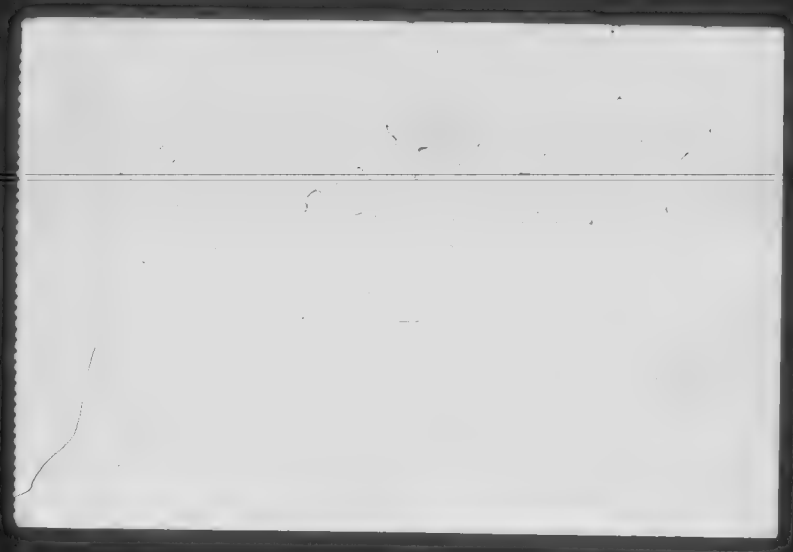
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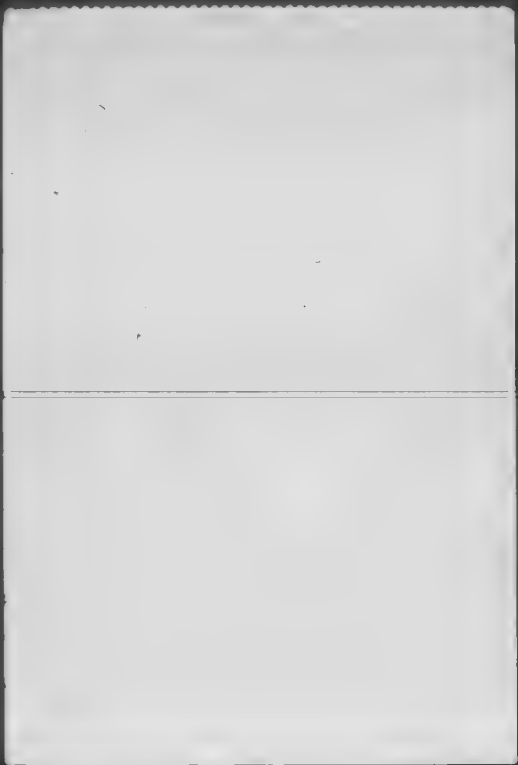
Henry S. Richardson

April 12, 1904. Nos 2, 3, 4, 5
and 8 to 13 incl. transferred to
Cherokee 10763

COPIES OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

See Cherokee D 324





Cher D 716

Cher D 716

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
OKLAHOMA, I. T., OCTOBER 26th 1900.

IN THE MATTER OF THE APPLICATION OF Lila Jackson for the enrollment of herself, her husband and child as citizens of the Cherokee Nation, and she appearing before the Commission, and being sworn by Commissioner, C. R. Breckinridge, testified as follows:

By the Commission:

- Q What is your name? A Lila Jackson.
Q How old are you? A Twenty years old.
Q What is your Postoffice? A Payil.
Q Do you make application for enrollment as a Cherokee by blood?
A Yes sir.
Q When do you want to have enrolled? A Myself and my baby.
Q Not your husband? A Yes sir.
Q What district are you living in? A Cooweescoowee.
Q How long have you lived in Cooweescoowee District? A Two years.
Q Where did you live before you came to Cooweescoowee District?
A Illinois District.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Have you been outside of the Cherokee Nation in the past three years? A Yes sir.
Q When did you go out and for what purpose? A I do not remember when I went; last Fall I think.
Q How long were you out? A One month.
Q Were you out simply on a visit? A Yes sir.
Q You never made your home any where except in the Cherokee Nation?
A No sir.
Q What is your father's name? A I do not know.
Q Do you know whether he was a Cherokee by blood? A I was told he was a full blood.
Q What is your mother's name? A I do not know.
Q Is she living? A She is dead.
Q Was she a Cherokee by blood? A Yes sir.
Q What was your name before you were married? A Scott by adoption.
Q Have you always borne the name of Scott? A Yes sir.
Q Who gave you that name? A Mr. John Scott.
Q Did he raise you? A Yes sir.
Q Were you living with him twenty years ago? A No sir; I went to him when I was eight years old.
Q Whom were you living with when you were a baby; your mother?
A I guess so; I do not know.
Q What is the name of your husband? A Julius Jackson.
Q Is he living? A Yes sir.
Q Is he a Cherokee by blood? A Yes sir.
Q How old is your husband? A Twenty three years old.
Q How long has your husband lived in the Cherokee Nation?
A All his life I guess.
Q Has he ever lived outside of the Cherokee Nation? A No sir.
Q What is your husband's father's name? A William Jackson.
Q Is he living? A No sir; dead.
Q Was he a Cherokee? A No sir; white man.
Q What is your husband's mother's name? A Nancy Frances.
Q What was her name in 1880? A Ward.
Q She is living? A Yes sir.
Q Is she a Cherokee by blood? A Yes sir.
Q When were you married to your husband? A In 1899 I think.
Q Have you your marriage license with you? A Yes sir.

The applicant presents a marriage license, authorizing marriage to Julius Jackson, issued at Vinita, Indian Territory, on the 27th day of January, 1899, by James A. Winston, Clerk of the United States Court for the Northern District of the Indian Territory; the license showing that said marriage was consented to the

27th day of January, 1899, by J. C. Anderson, Deputy Clerk of the United States Court, Northern District of the Indian Territory. Same being in due form is filed herewith.

Q What is the name of the child for whom you wish to apply?

A William Beecher Jackson.

Q How old is he? A Nine months old.

Q Is that the only child you have? A Yes sir.

Q You are the mother of this child? A Yes sir.

Q Julius Jackson is the father? A Yes sir.

Q Is the child living at present? A Yes sir.

Q Living with you? A Yes sir.

Q Has your husband any middle name? A J. L. he signs his name/ Leonard I think is his name.

(1880 Roll, Page 122, #1320, J. L. Jackson, Geo. Distriet)

(1894 Roll, Page 186, #2871, Julius L. Jackson, Geo. D'st)

(1886 Roll, Page 906, #1884, Lila Scott, Illinois D'st)

Q Is there any one here that knew your father and mother?

A No sir; they died when I was small.

Q And you were then living in Illinois District, were you?

A Yes sir; between Tahlequah and Ft. Gibson.

Q Did you draw strip money in 1894? A Yes sir.

Q What was your name then? A Lila Scott.

Q In what district? A Illinois.

Q Who drew your money for you? A John Scott's wife, Belle Scott.

(1894 Roll, Page 825, #1655, Delilah Scott, Illinois D'st)

The applicant applies for the enrollment of herself, her husband and one child: Her husband is identified upon the authenticated roll of 1880, and upon the census roll of 1896 as a native Cherokee: Satisfactory proof as to his residence in the Cherokee Nation has been given, and he will be duly listed for enrollment by this Commission as a Cherokee by blood.

The applicant presents a license, showing that she and Julius Jackson were married in accordance with the laws of the United States on the 27th day of January, 1899, by J. C. Anderson, Deputy Clerk, United States Court, Northern District of the Indian Territory: As a result of their marriage, there is one child, William Beecher Jackson: This child's name does not appear upon the census roll of 1896, he having been born since said rolls were compiled: When the applicant files with this Commission a properly executed affidavit as to the birth of this child, it also will be duly listed for enrollment by this Commission as a Cherokee by blood.

As to the application in her own behalf, the Commission is unable to identify her as being upon the authenticated roll of 1880: She does not know the name of either her father or her mother: Consequently, they can not be identified upon the roll of 1880:

The applicant is identified upon the census roll of 1896, and upon the Strip Payment Roll of 1894, according to the page and number as set forth in the testimony, as a native Cherokee: Owing to the fact that neither she, nor her parents can be identified upon the authenticated roll of 1880, she will be listed for enrollment by this Commission as a Cherokee by blood, upon what is known as a doubtful card; and she will be required to bring before the Commission satisfactory proof that she is a Cherokee by blood, and entitled to enrollment as such; and that her father and mother were enrolled upon the authenticated roll of 1880.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 27th day of October, 1900.

J. R. Cramer

Wm. H. C. NOTARY PUBLIC.

SUPPLEMENTAL TESTIMONY.

Cherokee Card D.#716.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., APRIL 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of LILA JACKSON for enrollment as a Cherokee citizen by blood:

BELLE SCOTT, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Belle Scott.
Q What is your age? A 45.
Q What is your post office address? A Fort Gibson.
Q Do you know Lila Jackson? A Yes, sir.
Q What do you desire to testify? A When she registered up there she was put on a doubtful card and I wanted to add my testimony to it; because she had no one to help her.
Q What is the testimony? A Just that I knew that she was a Cherokee girl, she was a girl nine years old when she was given to me; she was an orphan at that time; a woman left her there and give her to me. I didn't know her name at that time but since that time we have found out.
Q What was her mother's name? A Lucinda Love.
Q What was her father's name? A Watie Foreman.
Q Are they living? A No, sir, her mother is dead; he is.
Q How long has her mother been dead? A Her mother has been dead about 23 years, when the child was about a year old.
Q Her father Watie Foreman is living? A Yes, he has acknowledged lately that he is her father; this child is not a legitimate child.
Q Did you know Lucinda Love? A No, sir; I never saw her.
Q Do you know that she is a Cherokee? A Yes, just from hearing from people that lived up on Fourteen Mile creek. We had a witness here last week that know all about her, a white man that married this woman, but he didn't seem to want to testify and he wanted to be paid to testify in this girl's case and I didn't feel justified to do it. Since then he has married a white woman and he is not a citizen any more.
Q You never saw them married? A No, I never saw them married.
Q Do you know where this child was born? A On Fourteen Mile creek.
Q In the Cherokee Nation? A Yes, sir.
Q And you think she is a Cherokee by blood? A I know she is a Cherokee because she didn't speak anything but the Cherokee language.
Q You raised her? A Yes, sir, until she married.
Q She has married? A Yes, sir.
Q To one Jackson? A Yes; the full bloods gave her to me; Dick Walker known all about this girl.

BY W. W. HASTINGS: Cherokee Representative:

- Q About how old was she when you got her? A They said she was nine years old, and that would make her 24 years old.
Q Who is this man you had reference to that married her? A His name is Jackson Kelly.

BY COMMISSIONER NEEDLES:

- Q Johnson Kelly married this girl's mother? A Yes, sir.
Q Do you know when it was? A It was when this girl was very small her mother was about, must have been just after his child was born.

The 1880 Authenticated Roll of Citizens of the Cherokee Nation examined and the name of Applicant's mother and her own name found therein as follows:

Page 779, #1298, Cinda Love, Tahlequah District.

Page 779, #1299, Lila Love, Tahlequah District.

Lila Jackson applies to be enrolled as a Cherokee citizen by blood at Claremore, 26th of October, 1900. At that time her name could not be found upon the authenticated roll of 1880 and she could not be identified. She applied for the enrollment of herself and her child, William B. Jackson, she having married one Jackson. By supplementary testimony taken this day, it is developed that the said Lila Jackson's name upon the authenticated roll of 1880 is Lila Love, and she is fully identified according to the testimony taken to-day as the Lila Jackson. She is duly identified and makes satisfactory proof as to residence, consequently Lila Jackson and her child, William B. Jackson, will be listed for enrollment as Cherokee citizens by blood. Their names will be transferred from D. #716 to straight card #4964, with her husband and child, and the judgment given on the 26th of October, 1900, placing the said Lila Jackson and her child upon a doubtful card, is hereby revoked and annulled, and will be held for naught.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 30th day of April, 1901.

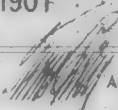
[Signature]

Commissioner.

Cher
D 746

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
APR 30 1901



ACTING CHAIRMAN

CHEROKEE

D.

716
715

Original Testimony of 10/26/00
B. M. G. of 10/26/00

716

7155

Papers filed in Cherokee
Jacket # 4964.

See Cherokee Jacket # 4964.

Cher D 717

Cher D 717

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I.T., October 22, 1900.

In the matter of the application of John W. Hacker for the enrollment of himself as a Cherokee by intermarriage and his wife and two children as Cherokees by blood; he appearing before the Commission, and being sworn and examined, he testified as follows:

Q What is your name? A John W. Hacker.

Q What is your age? A 33 I think.

Q What is your post office? A Veyil.

Q Do you make application as a Cherokee by blood? A No, sir, adopted.

Q For whom do you apply, who do you want to enroll? A Myself and family.

Q What does your family consist of? A My wife and children.

Q What district do you live? A Cooweescoowee.

Q How long have you lived there? A 12 years.

Q Where did you live prior to that? A Kansas.

Q How long have you lived in the Cherokee Nation? A About 14 or 15 years.

Q Have you lived continuously in the Cherokee Nation ever since you came here 15 years ago? A Yes; I have been away at work.

Q Have you been outside of the Cherokee Nation within the past few years, and for what purpose? A Not since I was married; I was off at work before I was married, but since then I have remained right here.

Q When were you married? A In 1894.

Q Have you lived continuously in the Cherokee Nation since 1894? A Yes, sir.

Q What was the name of your father? A Elhannon Hacker.

Q Is he living? A Yes, sir.

Q What was your mother's name? A Kissiah Hacker.

Q She living? A Yes, sir.

Q Your parents never claimed to be citizens of the Cherokee Nation? A No, sir.

Q What is the name of your wife? A Frances Lanna Hacker.

Q How old is your wife? A 19 and past.

Q Is she a Cherokee by blood? A Yes, sir.

Q What was her father's name? A John Morris.

Q He living? A Yes, sir.

Q Is he a Cherokee by blood? A Yes, sir.

Q What is your wife's mother's name? A Susie Harris.

Q She living? A Yes, sir.

Q She a Cherokee by blood? A Yes, sir, she just enrolled a moment ago.

Q How long has your wife lived in the Cherokee Nation? A She was born and raised here.

Q Has she ever lived outside the Cherokee Nation? A No, sir.

Q Have you any evidence of your marriage to your present wife? A Yes, sir; that is proof for our baby too.

(The applicant presents a certified copy of the marriage records showing that license was granted to J. W. Hacker, a citizen of the United States, to marry Miss F. S. Morris, a citizen of the Cherokee Nation, on the 20th day of April, 1894. The record also shows that the marriage ceremony was performed by John B. Bishop on the 22nd day of April, 1894; signed by Joe M. LeHay, clerk of Cooweescoowee district, Cherokee Nation. The marriage license and certificate are filed herewith.)

Q Have you lived continuously and with your wife up until the present time? A Yes, sir.

Q Were you ever married before you married this woman? A Yes, sir.

Q What was the name of your first wife? A Louise Walter.

Q Is she living or dead? A I don't know which.

Q When were you married to her? A I don't remember just when, it

John W. Hacker - 2.

was about two years before I married my second wife, two years after we parted.

Q How long did you live with your first wife? A Three months.

Q Were you ever divorced from her? A Yes, sir.

Q Have you any evidence of your divorce? A Not here; I sent it in to the Chief when I sent my license; Mr. LaHay put them in and sent them to the Chief.

Q Did your first wife leave you or did you leave her? A She left me; it was rather a civil separation.

Q What was the cause of the separation? A Well, I hardly know.

Q Did you abuse her or she abuse you? A No, we didn't abuse each other, we just agreed to disagree and separate; she was a nice woman.

Q You state that you have lived with your present wife since you married her in 1884? A I have been with her ever since she was 6 years old in fact.

Q Have you any children for whom you desire to make application?

A Yes, sir.

Q What was the name of the eldest one? A Almon R., he was about 3 years old in June.

Q What is the name of the next one? A William McKinley, about 6 or 7 months old, he was born in March.

Q These children both alive and living with you at the present time? A Yes, sir.

Q You are the father of the children? A Yes, sir.

Q Your present wife is the mother? A Yes, sir.

Q What district did your wife's parents live in in 1880? A I don't know.

Q Does your wife's name appear upon the 1880 roll, her mother's name I mean? A Yes, sir.

Q What was her mother's name in 1880? A Sixkiller I think.

Q Your wife the daughter of Susan Sixkiller? A Yes, sir.

(Susan Sixkiller on 1880 roll, page 471, No. 1509, Susan Sixkiller, Going Snake district. John Morris on 1880 roll, page 451, No. 1087, Going Snake district. John W. Hacker on 1896 roll, page 302, No. 452, Coowessawee district. Frances L. Hacker on 1896 roll, page 176, No. 2209, Frances Hacker, Coowessawee district.)

Q Your first wife was a white woman? A Yes, sir.

The applicant applies for the enrollment of himself, his wife and two children. He is identified upon the census roll of 1896 as an adopted white. He produced evidence of his marriage in accordance with the laws and customs of the Cherokee Nation to one Miss F. S. Morris, a citizen of the Cherokee Nation, on the 22nd day of April, 1884. He avers that he was formerly married to one Louisa Walter. He lived with her but a short time, and they agreed to separate. He produces no evidence as to his divorce from his former wife, and consequently will be placed upon what is known as a doubtful card for the future consideration of the Commission. He makes satisfactory proof as to his residence in the Cherokee Nation since 1884. His wife, Frances L., is not identified upon the roll of 1880, having been born since said roll was compiled. The names of her father and mother both appear upon the authenticated roll of 1880 as native Cherokees. The applicant's wife is identified upon the census roll of 1896, and satisfactory proof as to her residence in the Cherokee Nation having been given, she will be listed for enrollment as a Cherokee by blood. As to the application which he makes on behalf of his two children, their names do not appear upon the census roll of 1896, having been born since said roll was compiled. When he filed with the Commission properly executed affidavits as to the births of these two children, they will also be listed for enrollment as Cherokees by blood. The applicant's wife has resided in the Cherokee Nation continuously since her birth.

John W. Hacker - 3.

Bruce S. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce S. Jones

Sworn to and subscribed before me this the 27th of October, 1900,

C. M. ...

Commissioner.

R

C. D-717

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 7, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of John W. Hacker for enrollment as a Cherokee citizen.

Appearances:

Applicant in person;

V.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 14, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 7th day of March, 1902; receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: March 7, 1902, appears in person.

JOHN W. HACKER, being first duly sworn, and being examined testified as follows:

By Commission:

Q What is your name? A John W. Hacker.

Q How old are you? A 35.

Q What is your post-office address? A Foyil.

Q You are an applicant before the Commission for enrollment as a citizen of the Cherokee Nation? A Yes sir.

Q You were placed upon a doubtful card by the Commission for the reason that you failed to supply evidence of your divorce from your former wife? A Yes sir, for a short time; but I was taken off.

BY COMMISSION: The applicant filed with the Commission on the first day of November, 1900, a certified copy of a decree of divorce between Louisa Hacker and John Hacker; the same has been filed and made part of the record in this case.

Q You submit the case to the Commission do you for final consideration? A Why yes sir, yes, of course.

BY COMMISSION: The applicant and the representative of the Cherokee Nation present submit the case and same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the same foregoing is a true and complete transcript of my stenographic notes thereof.

M.D. Green

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN T

In the matter of the application for the enrollment of John W. Hacker as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on October 26, 1900, John W. Hacker appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment, among others, of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 7, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that the said John W. Hacker was married on April 25, 1894 to Miss F. L. Morris, a citizen by blood of the Cherokee Nation, under authority of a Cherokee marriage license. The evidence further shows that he was previously married to Louisa Walter, and that on November 21, 1893, a decree of divorce was rendered in Crawford County, Kansas, District Court, in the case of Louisa Hacker vs. John W. Hacker, and it was ordered by said Court that the decree should not take effect and be in force until after the expiration of six months from the date of its rendition, and until the costs should be fully paid.

Until the decree is made absolute the marriage is in full force. (Am. & E. Ency. of Law, vol. 5, 838, 1st ed.)

The presumption is that the court in granting the decree of divorce acted within the scope of its jurisdiction.

It appears that the said John W. Hacker was married to Frances L. Hacker within six months from the date of the decree of divorce from his former wife, Louisa.

The said John W. Hacker is identified on the 1896 census roll of the Cherokee Nation.

The evidence further shows that the said John W. Hacker has lived with his wife, Frances L. Hacker in the Cherokee Nation since his marriage to her, and that he was a resident of the said nation at the date of the application herein.

Section twenty-one of the Act of Congress, approved June 16, 1898 (30 Stats., 495) provides for the enrollment of Cherokee citizens

"with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 667 of the Compiled Laws of the Cherokee Nation (1892) provides:

"No marriage shall be contracted whilst either of the parties has a husband or wife living."

Section 692 of said Compiled Laws provides:


"All marriages which are herein prohibited on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall be absolutely void in this Nation, without any judgment of divorce or other legal proceeding."

It is therefore the opinion of this Commission that the application for the enrollment of John W. Hacker as a citizen

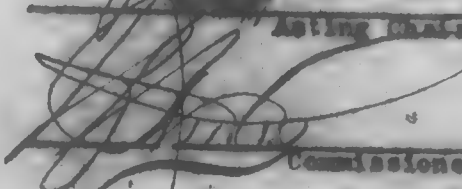
Cherokee-D-717

By intermarriage of the Cherokee Nation should be denied; and it is so ordered.

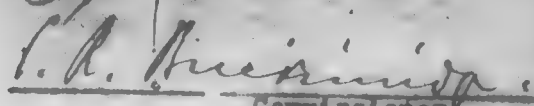
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



C. R. McQuinn
Commissioner

Muskogee, Indian Territory,
this JUL 29 1902

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

LETTER IN REPLY TO THE FOLLOWING

Cherokee D 717.

Muskogee, Indian Territory, July 29, 1902.

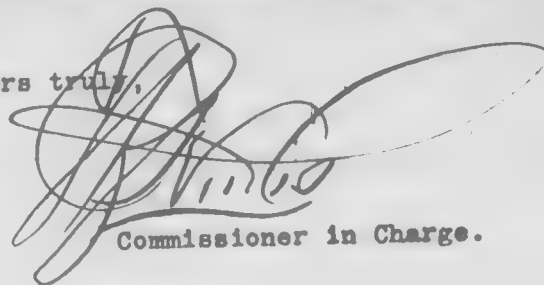
W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of John W. Hacker for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Commissioner in Charge.

Enc. C. No. 104.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 717.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 7, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of John W. Hacker for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Respectfully,



Acting Chairman.

EXHIBIT

D, 717

John W. Hacker

A Original testimony of 10/26/00

B Memo. of Application of 10/26/00

C Certified copy of decree of divorce

D Notice of final consideration, 3/7/01

E Supplemental testimony and
order closing testimony - 3/7/01

717

Transferred to R-691

See Cherokee Jacket # 4974.

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